

ZB# 92-42

David Sarinsky

34-2-8

Prelim.

Nov. 9, 1992

Need Copy of:

- ① Need it here
- ② Title Report & here
- ③ Photos here
- ④ New notice of 4, here
denial if plan is
changed -

⑤ OCPD ~~requires~~ 4/12/92
notification to ~~the~~ done.

⑥ SEQR - AG to sign

Public Hearing;

Nov. 28, 1992.

Notice to Sentinel 4
on 12/15/92.

Jan. 11, 1993

Application

Use/Area.

Approved

F.I.D. Adell J. J. 7/1/93
Due 4/19/93 Paid 7/1/93
#0132.

#92-42 - Sarinsky, David
Use/Area

MADE IN U.S.A.

NO. 753 1/3

ESSELTE

Oxford

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

13038

December 7

19 92

Received of David and Jacie Strensky \$ 50.00
Fifty and 00/100 DOLLARS

For Zoning Board Application Fee 92-42

DISTRIBUTION:

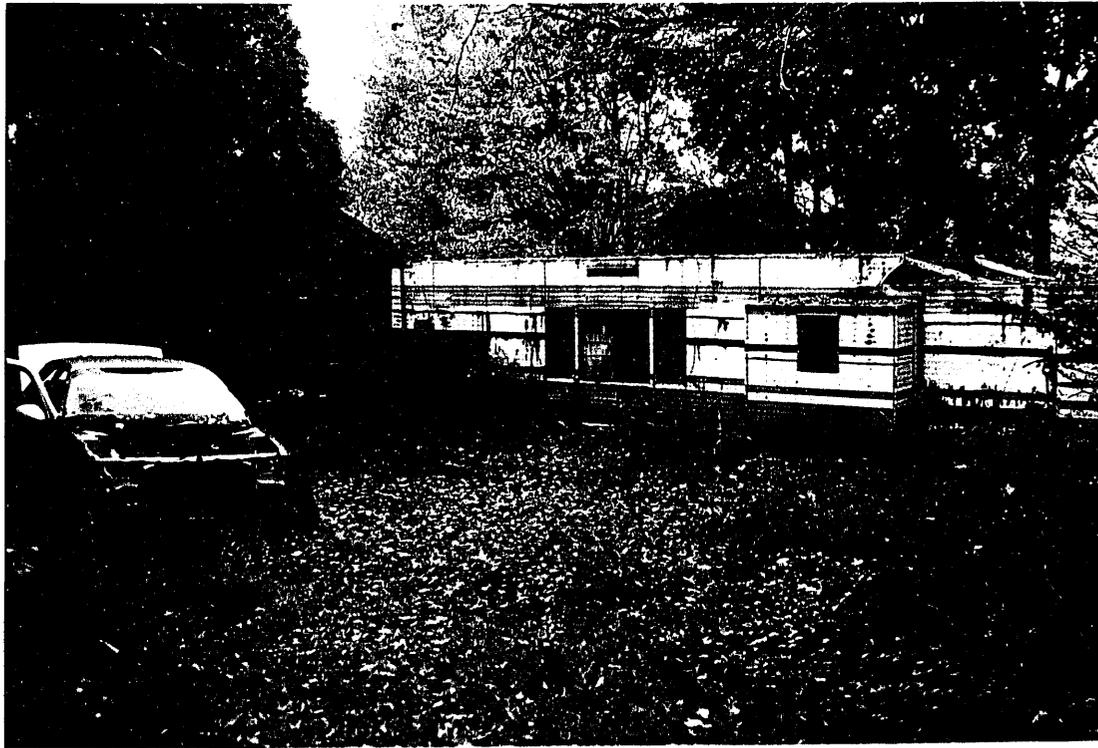
FUND	CODE	AMOUNT
<u>CRF</u>	<u>0121</u>	<u>\$50.00</u>

By Prudence H. Townsend
CS

Town Clerk

Title

* WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564



CO# 225 - Cas no X, Taxes & Prnd.

FUND	CODE	AMOUNT
0121	0121	\$50.00

By William J. Dewey

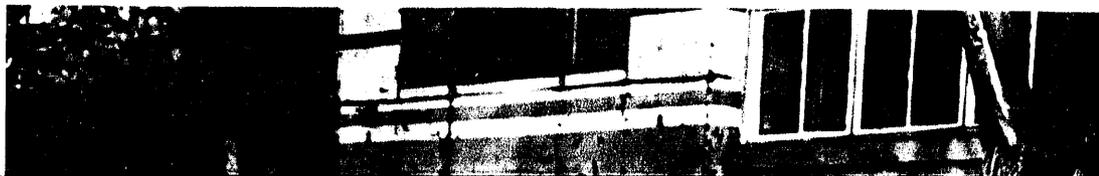
Town Clerk

Title

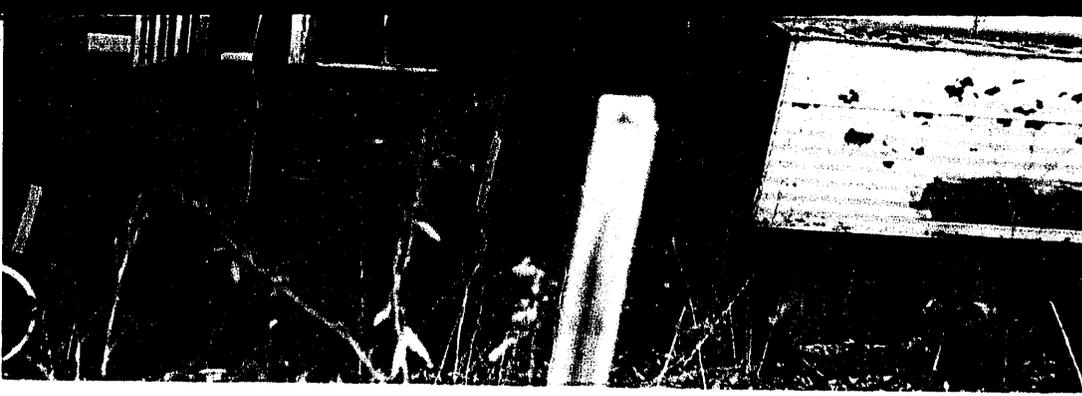
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C. O. DEW... CASACIA, JAMES & P. MIN...





#92-42 - Samsky's Dent
Wac Area



well Area

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Sarinsky, David (owner)

FILE # 92-42.

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00

* * * * *

paid
12/4/92 CK # *0121*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

paid
12/4/92 CK # *0120*

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE *11/9/92 - 10 pages!* . . . \$ 45.00
2ND PRELIM. MEETING - PER PAGE . . . \$ _____
3RD PRELIM. MEETING - PER PAGE . . . \$ _____
PUBLIC HEARING - PER PAGE *12/2/92 - 26 pages* . . . \$ 117.00
TOTAL \$ 162.00

ATTORNEY'S FEES:

PRELIM. MEETING - .1 HRS. \$ _____
~~2ND PRELIM. P.H. ①~~ .8 HRS. \$ _____
~~3RD PRELIM. P.H. ②~~ .3 HRS. \$ _____
FORMAL DECISION 2.3 HRS. \$ _____

TOTAL HRS. 3.5 @ \$ 150.00 PER HR. \$ 525.00
TOTAL \$ 525.00

MISC. CHARGES:

Postage - 17 letters \$ 4.93
TOTAL \$ 691.93

LESS ESCROW DEPOSIT . . . \$ 500.00
(ADDL. CHARGES DUE) . . . \$ 191.93
REFUND TO APPLICANT DUE . . . \$ _____

paid

-----X
In the Matter of the Application of

DECISION GRANTING
USE AND AREA VARIANCES

DAVID SARINSKY

#92-42.
-----X

WHEREAS, DAVID SARINSKY, 298 Union Avenue, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a use variance to construct a single-family residential dwelling in an NC zone, as well as for a 20 ft. rear yard variance and a 50 ft. street frontage variance, all in order to construct said single-family residential dwelling on a lot on the north side of Browns Drive, off Little Britain Road, in an NC zone; and

WHEREAS, a public hearing was held on the 28th day of December, 1992, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York and was adjourned to, and continued on the 11th day of January, 1993; and

WHEREAS, DAVID SARINSKY, the applicant/owner, was present at the hearings and spoke in support of the application, and Addie Guerra, the contract/purchaser for the subject property, was also present at the hearing and spoke in support of the application on behalf of himself and the applicant/owner, DAVID SARINSKY; and

WHEREAS, the application initially was opposed by Donald W. Gladstone and Georgene M. Gladstone who submitted their letter in opposition dated December 19, 1992 and in addition spoke in opposition at the December 28, 1992 public hearing; and thereafter the said Donald W. Gladstone and Georgene M. Gladstone submitted their letter of January 4, 1993 which withdrew their opposition to the variances requested on the condition that the applicants variance requests be approved as "residential property", and in addition the said Donald W. Gladstone spoke at the January 11, 1993 public hearing to confirm that he was withdrawing his opposition to the application on the above condition; and the application was also opposed by Mrs. Robert Leoven who objected to the fact that the variances, if granted, would change the nature of the neighborhood in that they would approve a lot with considerably less street frontage than was typical for other lots in the neighborhood; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that the applicant is seeking permission to construct a single-family residential dwelling in

an NC zone and such single-family residential use is not a permitted use in the NC zone and, in addition, the applicant is seeking permission to vary the bulk regulations with regard to rear yard and street frontage with regard to the proposed construction of said single-family residential dwelling in the NC zone.

3. The evidence presented by the applicant substantiated the fact that a use variance would be required in order for the applicant to construct a single-family residential dwelling in an NC zone, since said single-family residential use is not a permitted use in the NC zone; and the evidence presented by the applicant further substantiated the fact that a variance for less than the allowable rear yard and street frontage would be required in order for the applicant to be able to construct said single-family residential dwelling, which otherwise would conform to the bulk regulations in the NC zone.

4. The evidence presented by the applicant, as supplemented by the evidence presented by Donald W. Gladstone, indicated that the property had been devoted to residential use at least since 1954 or 1955 when a trailer was first placed upon the lot. Apparently at some time thereafter, approximately the year 1965, the lot was subdivided from a larger farm parcel and acquired its present property boundaries and "flag" lot shape, at which time another trailer was placed on the property and the first trailer was removed therefrom. Consequently it appears from the evidence presented to this Board that the use of the lot for residential purposes, specifically with a trailer, is a use which is pre-existing and non-conforming since the same predates the adoption of the Zoning Local Law of the Town of New Windsor. In addition, it is the finding of this Board that the present lot layout, that is a "flag" lot with only 10 ft. of street frontage also was pre-existing in that it too predated the adoption of the Zoning Local Law of the Town of New Windsor.

5. The evidence presented by the applicant further indicated that the trailer has not been occupied for a period of approximately two (2) years. The trailer has fallen into severe disrepair and must be dismantled and removed from the lot. The applicant further indicated that he did not wish to reestablish the pre-existing, non-conforming residential use with a new trailer, if he could in fact meet the time requirement provided in Zoning Local Law of the Town of New Windsor, Section 48-24(B)(1)(b). Instead, the applicant is now applying for a use variance to permit construction of a single-family residential dwelling on his lot in an NC zone, together with the aforesaid 20 ft. rear yard variance and 50 ft. street frontage variance from the provisions of the bulk regulations.

6. The applicant has sought to minimize the variance requests which he makes of this Board following his initial proposal at a preliminary meeting before this Board on November 9, 1992. At that time, the applicant sought, in addition to variances which he is currently seeking, additional variances for insufficient lot area and insufficient front yard. After discussions with the Board at that preliminary meeting, the

applicant redesigned his proposed layout for the single-family residential dwelling in order to eliminate the lot area and front yard variance requests. The applicant's present variance requests for 20 ft. rear yard and 50 ft. street frontage variances are presented to this Board as the minimum variance requests which will permit the applicant to construct a single-family residential dwelling on the subject lot.

7. The evidence presented by the applicant also showed that the neighborhood presently contains mixed residential and commercial uses as well as some vacant land. It appeared from evidence presented at the hearing that one parcel which is immediately adjacent to the subject lot is devoted to a beauty parlor use. The lot which is immediately adjacent on the other side is devoted to residential uses. A nearby lot is devoted to commercial use for Perry's Signs and the lots on the east side of the subject parcel are almost completely devoted to residential use. A large tract of vacant land is situated behind the subject lot.

8. The evidence presented further by the applicant substantiated the fact that the lot had limited, or no, potential for being developed with a NC use due to its configuration as a "flag" lot. The subject lot has only 10 ft. of frontage on Browns Drive. This limited frontage would make access to any permitted NC use very limited. In addition, it would mean that the visibility of any proposed NC permitted use would be very limited from the road frontage. In addition, the evidence presented by the applicant indicated that the lot area of the subject lot probably would be too small to permit any economic use of the parcel for an NC permitted use and for the necessary parking which would have to accompany the same.

9. The evidence presented by the applicant further indicated that there was no other land available, from the adjacent landowners, which would allow the applicant to meet the area variance requirements.

10. The applicant indicated that he would demolish and remove the existing trailer which is in disreputable condition and he would connect his proposed single-family residential dwelling to the town sewer system.

11. The evidence presented by the applicant also substantiated the fact that, under the applicable NC zoning regulations, the applicant is deprived of all economic use and benefit from the property. The applicant indicated that it did not appear possible to obtain approval from the Fire Department for access to a permitted NC use on this "flag" lot with only 10 ft. of street frontage. This would effectively preclude the use of the parcel for any permitted NC use. In addition, even if the necessary Fire Department approval for an NC use on this lot could be obtained, the applicant presented evidence that indicated that he could not obtain a reasonable return on this lot if it was devoted to a permitted NC use. The very limited street frontage would preclude any public exposure for the permitted NC use other than a sign at the roadside.

12. The evidence presented by the applicant, and the Board's familiarity with the area, indicate that Browns Drive is not a well traveled road and that the mere presence of a sign at roadside, with any NC use in a building set well back from the road, would provide such limited exposure for the business that it is unlikely the property could yield a reasonable return if devoted to a permitted NC use.

13. In addition, the presence of the now-deteriorated trailer on the subject parcel depresses its current value. The evidence presented by the applicant indicated that the cost of dismantling and removing this trailer would be some \$6,000 to \$8,000. This considerable expense would have to be incurred by anyone seeking to develop the property whether for a permitted NC use, or, if this Board grants the requested use variance, for single-family residential use. Given the lack of reasonable return available to an owner if the property were devoted to the permitted NC uses, it appears that this significant expense would result in depriving the owner of all economic use or benefit use from the property if devoted solely to permitted uses. From the evidence presented by the applicant, it appears that the property would have significantly more value if developed with a single-family residential dwelling and therefore the considerable expense of dismantling and removing the trailer becomes an expense which then could be recovered out of the enhanced value of the property, if a variance is granted.

14. The applicant has filed the required short environmental assessment form in connection with his application.

15. The Zoning Board of Appeals of the Town of New Windsor has declared itself lead agency in regard to the review of the applicant's request for a use variance since no application to the Planning Board will be required of this applicant in the event that he seeks to develop the parcel for a single-family residential use following the granting of the use variance, and the necessary area variances, by this Board.

16. The Zoning Board of Appeals for the Town of New Windsor has reviewed the short environmental assessment form prepared by the applicant and has heard some of the neighbors speak about the proposal at its aforesaid public hearing, and finds that the granting of this requested use variance will not result in any significant adverse environmental impact, and consequently has made a negative declaration under SEQRA for the requested use variance.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. Under the applicable NC zoning regulations, the applicant is deprived of all economic use or benefit from the property in question. The land cannot yield a reasonable return if used for any purpose allowed in the NC zone. This has been established by competent financial evidence, presented by the contract/purchaser, Addie Guerra, who is both a builder and a certified public accountant, and who indicated to the Board that

he was quite familiar with local real estate values, available returns from permitted uses and development costs.

2. The hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood. The lot in question appears to have a unique "flag" lot shape in that it is the only such lot in the neighborhood; all other lots appear to have substantial greater frontage than 10 ft. This lot configuration apparently from a subdivision by deed long prior to the adoption of any subdivision regulations or the Zoning Local Law of the Town of New Windsor.

3. The requested use variance will not alter the essential character of the neighborhood which, at the present time, is devoted to mixed uses including residential, neighborhood commercial, as well as undeveloped open land.

4. The alleged hardship has not been self-created. This applicant acquired a parcel of land with only 10 ft. of road frontage which had been configured with these property boundaries prior to the adoption of the Zoning Local Law of the Town of New Windsor and which had been devoted to a pre-existing, non-conforming use at the time he purchased the same.

5. It is the finding of this Board that the applicant has demonstrated that the applicable zoning regulations and restrictions have caused unnecessary hardship.

6. It is the further finding of this Board that, since the applicant has shown that the applicable zoning regulations and restrictions have caused unnecessary hardship, the applicant is entitled to a use variance, authorizing the subject parcel to be used for the construction of a single-family residential dwelling, a use which otherwise would not be allowed or would be prohibited by the terms of the Zoning Local Law of the Town of New Windsor in the NC zoning district.

7. It is the further finding of this Board that the requested use variance is the minimum variance necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time, preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The requested area variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

9. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

10. The requested area variances are substantial in relation to the bulk regulations for rear yard and street frontage. However, it is the conclusion of this Board that the granting of the requested substantial area variances is warranted here because the configuration of the property boundaries of the

subject parcel in a "flag" shape long pre-exists the adoption of the Zoning Local Law by the Town of New Windsor. The pre-existing non-conforming lot shape creates the need for the substantial variances which are the subject of this application. Since the subject lot had been used for residential purposes for many years with a trailer placed on same, it is the conclusion of this Board that the granting of the requested substantial area variances will not adversely impact the character of the neighborhood or impact the now existing homes in the few neighborhood commercial businesses which presently exist in this area.

11. The requested area variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

12. The difficulty the applicant faces in conforming to the bulk regulations is not a self-created one. This applicant acquired a parcel of land with only 10 ft. of road frontage and with insufficient lot depth to meet the rear yard bulk requirement. However, the lot had been configured with these property boundaries prior to the adoption of the Zoning Local Law of the Town of New Windsor and as such said lot constituted a pre-existing, non-conforming lot at the time he purchased the same.

13. It is the further finding of this Board that the benefit to the applicant, if the requested area variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

14. It is the further finding of this Board that the requested area variances are the minimum variances necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

15. The interests of justice will be served by allowing the granting of the requested use and area variances.

NOW, THEREFORE, BE IT

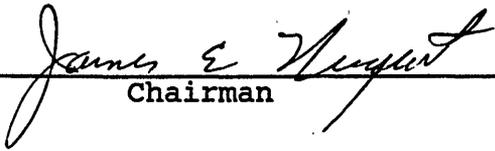
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a use variance to permit the construction of a single-family residential dwelling in an NC zone, as well as a 20 ft. rear yard variance and a 50 ft. street frontage variance, all in order to permit the applicant to construct said single-family residential dwelling on his lot on the northside of Browns Drive, off Little Britain Road, in an NC zone, as sought by applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to

the Town Clerk, Town Planning Board and applicant.

Dated: March 22, 1993.


Chairman

(ZBA DISK#8A-012793.DS)



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(914)563-4630

Date: March 23, 1993.
FAX: 914-563-4693

RE: ZONING BOARD OF APPEALS - APPLICATION # 92-42.

Dear ZBA Applicant:

After computation of the consulting fees that were posted with your application before the Zoning Board of Appeals, the Board found that there are additional fees due and owing in the amount of \$ 191.93 ^{pd.} (A copy of the computation list is attached).

In order to obtain a copy of your formal decision, this amount will have to be paid immediately.

Please forward a check in the above amount and I will be happy to furnish an executed copy of the formal decision.

Very truly yours,

PATRICIA A. BARNHART, Secretary
Zoning Board of Appeals

/pab

Attachment

(ZBA DISK#7-031292.FEE)



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(914)563-4630

February 19, 1993
FAX: 914-563-4693

Mr. David Sarinsky
298 Union Avenue
New Windsor, N. Y. 12553

RE: APPLICATION FOR USE/AREA VARIANCES
#92-42

Dear Mr. Sarinsky:

This is to confirm that the following variances were approved by the New Windsor Zoning Board of Appeals at a public hearing held on January 11, 1993:

- (1) Use - Single-family residential dwelling in NC zone;
- (2) Area: 50 ft. street frontage
20 ft. rear yard

If I can be of further assistance please do not hesitate to contact me.

Very truly yours,

PATRICIA A. BARNHART,
Secretary
New Windsor Zoning Board of Appeals

/pab

cc: Ms. Bernadette Gillespie

Public Hearing: Sarinsky, David 12/28/92

Name:

Address:

Mr. Robert Loerer 26 Browns Dr NW
opposed - Georgene Gladstone 28 Browns Dr
oppose - Donald W. Gladstone 28 Browns Dr

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

92-42

Date: 12/01/92

I. Applicant Information:

- (a) DAVID SARINSKY, 298 Union Avenue, New Windsor, N.Y. 12553 (Name, address and phone of Applicant) (Owner)
- (b) A. GUERRA, 345 Windsor Highway, New Windsor, N. Y. 12553
(Name, address and phone of purchaser or lessee)
- (c) -
(Name, address and phone of attorney)
- (d) A. GUERRA, 345 Windsor Highway, New Windsor, N. Y. 12553
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. Property Information:

- (a) NC Old Little Britain Road, New Windsor 34-2-8 16,200 s.f.+
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes
- (d) When was property purchased by present owner? 4/88
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No
If so, when? -
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A

IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 48-9, Table of Use/Bulk Regs., Col. A, to allow:
(Describe proposal) Applicant proposes to remove mobile home which is now standing on premises. Mobile home is in a state of disrepair. It is the intent of the applicant to construct a single-family residential dwelling on the premises.

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.
See attached addendum.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col.G, H.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>40 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>
Reqd. Street Frontage* <u>60 ft.</u>	<u>10 ft.</u>	<u>50 ft.</u>
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only
 ** No-residential districts only

(b) The legal standard for an "area" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you may have made to alleviate the difficulty other than this application.
See attached addendum.

VI. Sign Variance: n/a

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____

n/a

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

n/a

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. n/a

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Applicant is the owner of a "flag lot" located in an NC zone. Applicant intends to remove the dilapidated mobile home which exists on the lot and construct a single-family residential dwelling. The lot has always been used for residential purposes even though it is located in an NC zone. The single-family residential use is a higher and better use. Therefore, the quality of the zone will be improved.

IX. Attachments required:

- Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- Copy of tax map showing adjacent properties.
- Copy of contract of sale, lease or franchise agreement.
- Copy of deed and title policy.
- Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- Copy(ies) of sign(s) with dimensions and location.
- Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$250.00, each payable to the TOWN OF NEW WINDSOR.
- Photographs of existing premises from several angles.

X. Affidavit.

Date: December 1, 1992

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

David Sarinsky
(Applicant)
DAVID SARINSKY

Sworn to before me this

4th day of December, 1992.

Patricia A. Barnhart

XI. ZBA Action:

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1993.

- (a) Public Hearing date: _____
- (b) Variance: Granted () Denied ()
- (c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Under the applicable zoning regulation, the applicant herein is deprived of all economic use or benefit from the property in question, which deprivation is established by the following evidence:

Applicant purchased the property in 1988. At the time of purchase there existed a mobile home on the premises which was placed on the parcel in 1960, previous to zoning in the Town of New Windsor. The parcel has always been used for residential purposes as far back as two years ago. As can be viewed by the photographs submitted to the Board, the mobile home is in a considerable state of disrepair. Applicant intends to remove the dilapidated mobile home and construct a single-family residential dwelling on the premises. However, applicant must seek a use variance because a single-family residential dwelling is not a prohibited use in an NC, neighborhood commercial, zoning district.

Applicant feels that he is deprived of all economic use or benefit from the property in question because the parcel is a "flag" lot which does not front on any particular road and can only be accessed from a private drive which would not be wide enough for commercial traffic if the property were to be used as zoned. Also, the parcel contains only 16,200 sq. ft. of lot area, which is an insignificant amount of land and would not be feasible for a neighborhood commercial building, plus a parking lot.

Applicant can state with a reasonable degree of certainty that the parcel is unique since it is a flag lot with no frontage on Old Little Britain Road. There are other adjacent single-family residences which front on Old Little Britain Road but this parcel is the only flag lot.

Applicant has presented information attesting to the fact that if the variance is granted there will be no major changes or alterations to the neighborhood since the property has been used for single-family residential use since 1960. Applicant purchased the property in 1988 with the mobile home situated thereon, and, therefore, this is not a self-created hardship.

Applicant feels that the granting of the variance will not be detrimental to the health, safety or welfare of the neighborhood or community since the property has always been used for single-family residential use and this use is a higher and more desirable use than what is allowed in an NC zone.

Applicant is seeking a 20 ft. rear yard and 50 ft. street frontage variance for property located off Old Little Britain Road. Applicant has revised his building plans so that the variances sought would not be substantial.

Applicant has stated previously and now reiterates that the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or

zoning district since there are many single-family residential dwellings in the immediate area.

The difficulties stated above are not the result of a self-created hardship on the part of the applicant since Applicant purchased the parcel in 1988 and it was already established as a pre-existing non-conforming residential lot.

The only feasible method which applicant can pursue is the variance process in view of the fact that there is no additional property available for applicant to purchase in order to meet the requirements for rear yard and street frontage.

December 28, 1992

14

PUBLIC HEARING:

SARINSKY, DAVID

MR. FENWICK: Request for use variance and 20 ft. rear yard and 50 ft. street frontage to construct a single family residence on a flag lot off Old Little Britain Road in an NC zone.

Mr. David Sarinsky appeared before the board along with Mr. A. Guerra for this proposal.

MR. SARINSKY: I brought the buyer.

MR. FENWICK: For the record, will you explain to us why you are being cited and what you would like to do.

MR. SARINSKY: We've got an existing mobil home on there right now and we'd like to build a house on it. In order to build a house on it, we need to get a variance.

MR. FENWICK: You have the required square footages here, you have that, correct?

MR. BABCOCK: There's 2 denials here, there's one that is signed by Frank, not by myself, that should be the proper one. I'm not sure why we have two.

MR. LUCIA: At the last meeting the applicant had 2 potential ways of laying it out.

MR. KENNEDY: He changed his plan.

MR. TANNER: One had a garage and one didn't.

MR. GUERRA: Instead of laying the house one way, we laid it the opposite way. It eliminated some of the variances.

MR. FENWICK: You signed this.

MR. BABCOCK: Yeah but I know there's one for Frank. Mine is dated, his is not. Mine is dated November 25, 1992.

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MR. LUCIA: That is the correct denial that requires a use variances and two area variances.

MR. FENWICK: Yes, this one definitely looks like the applicant went with our suggestion. I understand there is a trailer on the property now that is to be demolished, everything on the property is to be demolished and start over again, is that correct?

MR. SARINSKY: Yes.

MR. TORLEY: Can you get any reasonable return for the use permitted in the zone?

MR. SARINSKY: Well, it's a lot of grief and aggravation to put another trailer up. We felt we'd be enhancing the property and the neighborhood by putting a house up at least that is what the gentleman thinks who's buying it.

MR. TORLEY: I'll confess to an aversion to flag lots, one exists now so you can't do much about it but I gather none of the property owners shown on the map here as 7 and 6 was interested in purchasing the land?

MR. SARINSKY: I discussed it with one of the neighbors and they didn't seem to really be interested for the price I was asking so.

MR. FENWICK: Do you have sewage but no water or neither?

MR. SARINSKY: There's a well there now, I believe there's sewage out to the road. I honestly don't know if the sewage is looked up or.

MR. BABCOCK: Any new structure would have to be hooked up.

MR. FENWICK: But there isn't Town water there?

MR. BABCOCK: No.

MR. FENWICK: As far as you know, there's a well?

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MR. SARINSKY: Yes, there's a well someone lived there for a year and a half and we didn't have any problem with the water and sewage. It's been vacant for about a year maybe a little longer.

MR. TORLEY: Vacant for little over a year?

MR. SARINSKY: Yeah.

MR. TORLEY: It had been used for a residence for a considerable period of time?

MR. SARINSKY: Someone lived there for many years, they passed away and I purchased the property and fella that worked for me lived there for almost two years.

MR. FENWICK: Here's some photos which were supplied by someone else. Do you have any photos of your own.

MR. GUERRA: Yes, I gave you the photos last time.

MR. TORLEY: What about the existing garage on the property?

MR. SARINSKY: What about it?

MR. TORLEY: Is that going to together remain or?

MR. GUERRA: The garage is in pretty good shape, it has a foundation, it's cement and I would like to keep it if it would, I don't know exactly how many feet it is from the side yard.

MR. BABCOCK: Pre-existing.

MR. LUCIA: My impression in turning the structure to reduce the number of variances that would eliminate the garage.

MR. GUERRA: That was to accommodate the board. I prefer it the first way but it's not an issue now.

MR. LUCIA: The reason I raise it is you just indicated you were thinking of keeping the garage and my

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impression from the previous meeting was if you turned the structure so as to cut down from 3 to 2 area variance requests that would require the garage to be taken down.

MR. GUERRA: I'm not sure how many feet, looking at the picture, I have never measured it, looking at the pictures, it looks like it's about, let's say the right side of the garage close to where the building would be, looks like it's about 20, 22 feet so the house would start 8 to 12 feet from that.

MR. FENWICK: We have before us a rendering of the proposed house.

MR. LUCIA: Just to clarify what apparently is ambiguous you're not stating at this point that the garage be removed.

MR. GUERRA: I was kind of leaving it as an option. I would definitely remodel the house to make it look, the siding would match. I would put a new garage door. It would not be an atrocious looking thing.

MR. LUCIA: I just wanted to clarify because I had a different impression.

MR. GUERRA: Once I changed the plan, I never thought about knocking the garage down but I'd have to see.

MR. FENWICK: That was my impression that I got from the previous meeting that the garage would be down in order to accomodate this situation of the house which is what's before us right now.

MR. TANNER: I think we were making the assumption that it wouldn't fit if he moved the house.

MR. BABCOCK: Basically if he doesn't, if he is going to have to take it down and the other thing on the other side of the coin, he can build a new garage in that same location if he wanted to, if it fits.

MR. FENWICK: If it fits.

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MR. BABCOCK: Right. Once a new survey is done we'll find out.

MR. FENWICK: Any other questions from the members of the board? At this time, I'd like to read a letter into the minutes that was sent to us, addressed to me. Dear Mr. Fenwick, re property on Brown's Drive known as Section 34, block 2, lot 8 owned by David Sarinsky and previously owned by Charles and Elizabeth Tracy and Howard Gladstone. When we put an addition on our house some years ago, we were carefully scrutinized by the Town of New Windsor building inspectors and right so, for the sake of our neighborhood. We ask that the same scrutiny be exercised in the instance of Mr. Sarinsky's request for a variance on this property. 1. How will the mobile home be removed? There is only a ten foot right-of-way which is enclosed by trees and fences on both sides. 2. How will large vehicles needed for the erection of a house such as backhoes, cement truck and so forth come and go? 3. How far from existing property lines can this house be legally constructed? 4. Mrs. Tracy had serious sewage problems after the sewer lines were installed. Will that problem affect our sewer lines? 5. Is it possible to construct a house in the Town of New Windsor on a lot which is approximately 3/10 of an acre and with insufficient rear yard and street frontage? It should be noted that the property has been abandoned for more than a year which has caused much concern. It is littered with cans and garbage. A wrecked auto is in front of the garage with a door on the ground and the trunk open. The door to the mobile home is open making it dangerous for a variety of reasons. On several occasions we heard loud noises and upon investigating found youngsters throwing things at the trailer and car and we asked them to leave. We asked Mr. Sarinsky if we might purchase the property in order to help keep our neighborhood decent. He responded that he was offered \$40,000 for the property but chose not to sell to us that an employee would have a place to live. He then quoted us a price of \$38,000 which seemed somewhat out of line considering that the size of the lot was approximately 3/10 of an acre, the condition of the property and the amount he paid for the lot. Mr. Robert Loeven, a builder of many New Windsor homes and

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familiar with the building codes, expressed surprise that such a request might be considered on this lot. Although he is ill his wife, Anna, will accompany us on his behalf to the hearing on Monday, December 28, 1992. Enclosed you will find photos of the mobile home, the car and the property. We would like to ask that the Zoning Board of appeals members come to the property and see for themselves. Sincerely, Georgene M. Gladstone, Donald W. Gladstone. Just address these questions, how will the mobile home be removed?

MR. GUERRA: It will be taken apart and moved by truck.

MR. FENWICK: Large vehicles, do you foresee a problem?

MR. GUERRA: There's no problem with a cement truck, there's no problem with a backhoe going back there.

MR. BABCOCK: You can't have anything on the road over eight foot wide legally.

MR. FENWICK: We've already addressed how far from the existing property lines, we have a layout here. Do you foresee any problem with the sewer situation?

MR. GUERRA: Mr. Sarinsky is not sure if there's a sewer there or if there's a septic. If there's a septic, naturally I'll hook up the sewer coming down the driveway into the manhole that is out there, it's actually the sewer pipe. I've already talked to Sonny who's actually no longer with the sewer department but we talked it over we don't see any problem. If it is hooked up to the sewer, we'll have to find out if the line is clear. There's quite a few ways to do that and I'll be sure that it is clear before I build a house and use the existing sewer.

MR. FENWICK: And as far as we know, it's a legal sized lot square footage wise?

MR. BABCOCK: Well, basically, we're asking for--

MR. FENWICK: I know you're asking for frontage and side yard but square footage never became a question so.

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MR. TORLEY: Let's go back to the old problem we've had in C zone, it's not permitted for house.

MR. BABCOCK: In C, house only requires to have 10,000 square feet which they have 16,200 and they would be allowed to build a retail store, a bar, eating and drinking places, so on so it's not with the character of the neighborhood.

MR. FENWICK: That would be more in line with having a residence than having any of the items that you could put in this C zone which could get real scary after awhile.

MR. TANNER: In particular I don't want to see a bar in that area.

MR. FENWICK: I don't think so, not with the one down the street. Any other questions from the members of the board? I'm familiar with the property. At this time, I'm going to open it up to the public.

MR. LUCIA: Maybe just let me ask a question first. Thank you for providing copy of the deed and title policy, I see that that refers to a number of covenants, restrictions, easements and other matters of record affecting title which are not completely spelled out. Is there anything in the title to this property to your knowledge which would prevent you from maintaining structure from which you are now seeking a variance should this board grant you the variances you're looking for?

MR. SARINSKY: No, I don't see a problem.

MR. LUCIA: Let's cover some of the technical requirements for the 2 variances. First on the use variance, the board's standard in granting that is something that is called unnecessary hardship. There are 3 factors involved in proof of that. First, under the applicable zoning regulations, are you deprived of all economic use or benefit from the property that is under the current, in C zoning regulations?

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MR. SARINSKY: No, I am not deprived.

MR. LUCIA: You're not deprived?

MR. SARINSKY: No.

MR. GUERRA: I'm not sure he's not deprived. If you made it commercial, you couldn't get a fire truck in there that would be a serious problem. I don't have a letter from the fire department but I'm told that I could get one so it's not a feasible piece of property for a commercial use.

MR. LUCIA: So you would be deprived?

MR. GUERRA: I'm not sure David understood the question.

MR. LUCIA: So you are saying you could not get a reasonable return on the property economically if you it used for a permitted use in the NC zone?

MR. GUERRA: If you can't put a house, his only other option is a mobile home.

MR. LUCIA: In C use only.

MR. GUERRA: I can't see how any commercial business--

MR. LUCIA: You could not put a commercial business and get a reasonable return?

MR. GUERRA: I don't think so.

MR. LUCIA: Is the hardship relating to the property in question unique? Is this a unique property in this neighborhood?

MR. GUERRA: Well, it's unique because it's a flag lot, it's not exactly like all the other lots but.

MR. LUCIA: There are no other flag lots nearby?

MR. GUERRA: I have a copy of all the lots in the area, it's the only one that I see there. It looks like it's

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unique.

MR. LUCIA: Third, if the requested variance is granted, will it alter the essential character of the neighborhood?

MR. GUERRA: I think it will help the neighborhood. If I lived in that neighborhood, I certainly would like to see a 2 bedroom, one bathroom house and the building inspector, he can attest to the fact that I built houses in the area and I'm not going to have a mess like you have there now so I think it would behoove the neighborhood to have that as a house instead of a mobile home.

MR. LUCIA: What's the overall character of the neighborhood at the present time? Is it partly residential, partly in C uses?

MR. GUERRA: One of my neighbors if this variance goes through is Perry Signs, he called me up and I know him and I knew his father and he asked me what I was doing and he was very happy with my answer. He was concerned if there's going to be another mobile home, he was concerned what the size of the house was, how close to the property it's going to be. It's a little distance away from his property.

MR. LUCIA: How about the uses on either side of that ten foot flag, what uses are those properties?

MR. GUERRA: I think see one has a beauty parlor on the right and it's a private home on the left, as you're looking at the property.

MR. LUCIA: And removing it one lot further on either side what are those uses?

MR. GUERRA: Going to your left or say east, it would all be homes, there is a string of homes all the way down to I think there's some mobile homes at the beginning of that road, I'm not sure, what's that road.

MR. BABCOCK: Brown's and Moores Hill.

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MR. GUERRA: What's the one by the Chocolate Goose?

MR. BABCOCK: Moores Hill Road.

MR. GUERRA: All the rest that I have seen are residential homes.

MR. LUCIA: How about heading west behind the property?

MR. GUERRA: West there's a big tract of land I don't know what the use is.

MR. BABCOCK: Vacant.

MR. LUCIA: And behind is vacant also?

MR. GUERRA: Yes.

MR. LUCIA: Is the hardship concerning this property self-created, did you cause this problem?

MR. GUERRA: No.

MR. LUCIA: Let's turn to the area variance for the moment on this one. The board has to balance the benefit to you if the variance is granted as weighed against the detriment to the health, safety and welfare of the community by granting the variance. We have 5 separate factors on that one. First, do you feel undesirable change would be produced in the character of the neighborhood or detriment to the nearby properties created if the variance is granted?

MR. SARINSKY: We think it would be a big plus compared to what's there.

MR. LUCIA: Second, is the benefit sought by you achievable by some other method rather than an area variance? Is there any other way you can put a house?

MR. GUERRA: We can't cut the house of the size anymore, it's 10,044 square feet and we have a rule that it has to be a thousand square feet.

MR. LUCIA: Is the area variances requested substantial

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that is against the zoning standard?

MR. GUERRA: Substantial is like in my business we have material that is in everyone's mind I guess it's substantial.

MR. LUCIA: But there's no other way to get the house on site without a variance?

MR. GUERRA: I can't see how.

MR. LUCIA: You've eliminated one of the potential area variances by turning the house so that this is as close as you can come with a minimal size house?

MR. GUERRA: Exactly.

MR. LUCIA: The proposed variance have an adverse effect or impact on physical or environmental--

MR. GUERRA: I don't plan to take down any trees unless they are dead or dangerous limbs. There are a lot of bad, let's say shrubs that I would definitely take down. I would landscape it, there will be grass all over the place, either landscaped or grass the whole property.

MR. LUCIA: Just repeats the five requirements we had on the use variance, you did not create this difficulty yourself?

MR. GUERRA: No, I did not.

MR. TORLEY: One quick question, should this variance not be granted, would the owner of the property be required to remove that derelict mobile home, has it reached the point where the owner would say get it out of there?

MR. BABCOCK: I haven't seen some of the pictures that came around here that is what he is trying to do that is the whole purpose of this.

MR. TORLEY: My question is whether or not the variance was granted would that have to be removed just for

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health and building code reasons?

MR. BABCOCK: I guess so.

MR. FENWICK: Is this subject to site plan approval since it's in an NC zone?

MR. BABCOCK: No, only 3 family.

MR. FENWICK: At this time, I'll open it up to the public, try to be brief. If you have a comment, give your name and your address.

DONALD GLADSTONE: I'm a next door neighbor very aware of that particular lot, the trailer, how long it's been there, why there was a trailer in the first place. I'm willing to answer those if you are interested. My father had a farm bought it in 1949, had a hired man who had a family. They put a trailer on it at that time and there was no as I know of any zoning at all. In '54, '55, something like that, my father retired in '56, the gentleman who was working for him moved his trailer and some friends, my parents who moved to Florida, some friends rented my father's house in approximately 1963. When I came back from school in Ohio, my father said I can use the house, the Tracy's were asked to move and they said could we put a trailer on that particular lot? And he said sure and there was a septic there at the time, no, well, they used the well from our house. My father sold them that little bitty lot in June, '65 and granted ten foot right-of-way between the neighboring property actually it's our property and the Tracy's lived there until Mrs. Tracy died five years ago it was sold there to Mr. Sarinsky.

MR. FENWICK: That piece of property is actually ten foot wide piece of property is actually part of the Sarinsky property, no, a right-of-way, is that correct?

MR. GLADSTONE: It's a deeded right-of-way.

MR. TORLEY: You are using some terms of art, a right-of-way would be owned by somebody other than Mr. Sarinsky and he would simply have a right to go back

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and forth on it but over somebody else's property. The way this application comes in this is what's known as a flag lot, that ten foot wide strip is owned by Mr. Sarinsky.

MR. GLADSTONE: I don't deny that, that is just my terminology.

MR. FENWICK: Just out of curiosity, are you in opposition to this?

MR. GLADSTONE: I'm not happy about it, no, I wasn't happy about having a trailer there in the first place. I never have been since we have been there. We were less happy when the trailer was occupied last two or three years.

MR. LUCIA: The owner has a right to use the property for something if he uses it according to the zoning ordinance, he would have to put an NC zone use there okay. I think that is your choice at this point. If you would rather see something that conforms to the NC zoning, you are certainly entitled to say that but I just want to explore with you the ramifications of what you're saying. If you would rather have the property used for an NC use, that is your right, but you have to say so. If you oppose a residence being there on that grounds, that is fine or if you find there are problems with the factors you heard the applicant reciting on these area variances, you certainly can speak to that. What I am just trying to do is explore the reasons you are opposed. Would you prefer to see an NC use on the site?

MR. GLADSTONE: I don't know what an NC use means.

MR. LUCIA: There's a long zoning table but NC generally is a neighborhood commercial business type use and just quickly--

MR. TORLEY: Why you can have retail stores and banks, realtor, notary public, attorney, salesman, fraternal clubs, newsstands, medical, dental clinics, bicycle and specialty shops with special permit gasoline station.

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MR. GLADSTONE: A gas station would be good having a gas station back in there.

MR. FENWICK: There's no frontage required for NC there.

MR. TORLEY: 100 foot.

MR. BABCOCK: There's no frontage.

MR. LUCIA: Those are the types of uses that are permitted by the zoning. The applicant is proposing to put a single family residence in. I don't know if that changes your view of this application at all.

MR. GLADSTONE: I would like to see it have a vacant lot.

MR. LUCIA: I understand that every neighbor in the world probably would like to see the lot next to them vacant but that is not a realistic expectation. The man is paying taxes on the lot, he has the right to use it for something. What he is coming in and telling this board is he does not think he economically can use it for an NC use because as you understand from listening to the uses, they are commercial type uses and this with a ten foot wide access is not really a commercial lot. So he is saying if you will give me a variance, I'd like to put a house there so that is up to you. You tell me if you are still opposed, you're still opposed?

MR. GLADSTONE: I'm still opposed.

GEORGENE GLADSTONE: I've spoken to Mr. Sarinsky on occasions and I heard it mentioned about interest in buying the property. We've expressed an interest in buying the property on a couple of occasions. In fact, we did not know that it was going to be sold after Mrs. Tracy died, we were told by her niece and her sister that they would be using it for rentals or whatever. So we were not notified at all until after it was done and I wrote a letter to Mr. Sarinsky after that and said I would be happy to buy it. What we want to do is clean up, take out the trailer and just leave it as it

is, you know, cleaned up and just have it as perhaps it should have been. We have not been given an opportunity with the exception of the \$38,000 that he told us so he has never notified us as far as that goes.

MR. LUCIA: Part of his proof on the use variance is an indication of economic hardship, that the property can yield a reasonable return. He indicated I think that according to your letter that he was looking for \$38,000. I take it you were not willing to pay \$38,000?

MS. GLADSTONE: No.

MR. LUCIA: Is it therefore your view that the property is worth something less than as presently zoned?

MS. GLADSTONE: Yes.

MR. LUCIA: He feels he cannot get a reasonable return based on NC uses. So I think this focuses in very much on the problem in that if his only return is from a neighbor who is willing to pay to expand yard space that may not be a reasonable return to someone who could put in--

MS. GLADSTONE: We have no idea of what this other person or whoever it is is buying the property, we have no idea of what they are paying. At least we would have an option to say yes or no, you know, that is the point we have not been--

MR. LUCIA: I understand your frustration but the board can't get involved in negotiations. Apparently Mr. Sarinsky gave you a price which was unacceptable so the board has to view it as an offer of no acceptance.

MR. TORLEY: Though we cannot, correct me if I am wrong, they claim insufficient return on his investment, hinges upon the applicant not having quote overpaid for the land so if he spent! 10,000,000,000 for a swamp, he can't turn around and say I have to have a chance to claim economic hardship. Does he have to meet that kind of hardship to show?

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MR. LUCIA: He apparently has a purchaser who's willing to pay for the expenses of obtaining a variance and putting a building on it so that seems to be a potential for return greater than what Mrs. Gladstone is talking about. You are correct, we don't have any numbers, you're certainly welcome to ask the applicant if you feel that is relevant to your determination.

MR. TORLEY: My concern he's entitled to a reasonable return but if his reasonable return can be met by the neighbor buying it for X thousand dollars yet he wants the variance to get three times that, it's pure numbers, no question on these, do we have any rights to inquire under those lines?

MR. LUCIA: You most certainly do.

MR. TORLEY: I'm going to do almost anything to get that trailer out of there, it's something we have to ask for the neighbors as well as the applicant.

MR. LUCIA: There are actually a whole list of economic factors that you have a right to ask the applicant. You can ask the amount he paid for the land, you can ask its present market value, its annual maintenance expenses, annual school and land taxes, unpaid balance on any mortgages, annual income from the land. And you you can ask for proof on actual or estimated return for each permitted use that is not reasonable under the circumstances. So you have got all kinds of authorization to ask him every economic aspect you wish.

MR. TORLEY: I don't wish to drag this out but--

MR. LUCIA: It's relevant if Mrs. Gladstone's positions he was asking her too much maybe that is something the board wants to inquire.

MR. TORLEY: I would ask what you paid for the property?

MR. GUERRA: Can I ask a question what's the relevance of what he paid for it and what he is selling it for?

Isn't he entitled to the fair market value of the property? I'm a willing buyer because I build houses, I happen to be buying this property to build my house.

MR. TORLEY: Fair market value for the land as it is presently zoned.

MR. GUERRA: I'm willing to pay the fair market value, I feel I know something about it.

MR. LUCIA: You may be confusing appraisal terminology.

MR. GUERRA: I made an offer and he accepted it.

MR. LUCIA: When you talk about fair market value, that is a term of art in appraising property, that is not entirely relevant in the same context to a use variance. The issue of reasonable return that has to do with the value of the property as zoned. And I think you'll find if you consult an appraiser on this, the property has a given value now as zoned NC. Should this board grant a use variance, to permit the construction of a building of a home, I think the appraised value of the property would substantially increase only because of the granting of that variance. So, if you are going to use fair market value, you need to tell me how you are evaluating it. If you have a fair market value, I'd like to hear it but I need it both now as zoned NC and usable only for NC uses and after the variance is granted, if it is granted, usable for a building lot.

MR. GUERRA: The only problem I had was the return on investment. If I bought a piece of property in 1940 for \$1,000, am I entitled to a hundred percent return meaning I can sell the piece of property for \$2,000 when maybe the fair market value is a couple of million?

MR. LUCIA: Depends on whether or not the 1940 price was realistic, given the then market and then zoning. This board has no obligation to give a speculator a return. The only obligation this board has is that if you come in and meet all those 3 use variance tests and it's not a self-created hardship and can prove

significant economic injury and unnecessary hardship, then you're entitled to a variance, but that very much is a dollars and cents proof and the board has absolutely every right to inquire what was paid for the property, what the expenses are, what the expense of carrying it and potential returns given the existing zoning. If you wish, you can chose not to answer those questions but I can show you a whole list of court cases that show you this board can inquire as to those eight factors.

MR. FENWICK: When you bought the property, was there someone living on the property then?

MR. SARINSKY: No.

MR. FENWICK: Has someone lived on the property since you bought the property?

MR. SARINSKY: For about a year and a half.

MR. FENWICK: When you bought that property, you were looking at a residential piece of property you thought or not?

MR. SARINSKY: Well, we knew how it was zoned, we were either going to, we knew we could put another trailer on it, to be honest with you all along I planned on taking that trailer out, putting another trailer on but it just wasn't a viable plan. Mr. Guerra came along and I have limited time to do things so he offered to purchase the piece of property from me. We were going to put another trailer or get a variance to put a house and as you can see nothing has been.

MR. TORLEY: If an offer had been made, perhaps for the record we should have that and the amount paid.

MR. SARINSKY: I purchased it from some ladies that I sell cars to and this is how we made the connections and they gave me a little bit of a deal on the piece of property because I take care of their cars and give them good deals, so there is a value to that also. So when I give you a monetary value also the service that I render them was part of the price too that they gave

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me a better deal.

MR. TORLEY: You feel you may have actually purchased the property for perhaps less than the fair market value at the time as zoned?

MR. SARINSKY: But what I do for the ladies is a consideration also.

MR. LUCIA: You're welcome to put it in dollars and cents, if you say I paid X dollars but I also gave them you know a discount or services or whatever, it maybe worth Y dollars. The board will listen to that.

MR. TORLEY: The real question I have is whether or not in the past there have been instances of speculators coming in, purchasing a piece of property that wasn't worth very much as zoned, paying substantially more than it was worth as zoned and turning around saying I put so much into this, I'm entitled to put--I want to establish when you purchased the property you weren't paying substantially more at least than what would be the fair market value at the time for that piece of property as zoned.

MR. SARINSKY: Well, when I purchased it with my expenses and closing costs, I had over \$12,000 invested in the piece of property. When Mr. Guerra gets done buying it from me, it's going to be, I'll probably end up with around \$21,000 so we're not talking with the brokerage fees off.

MR. GUERRA: You're talking about what you're getting in cash?

MR. FENWICK: Who did you purchase this property from?

MR. GUERRA: It's much more than that because we started out at \$30,000 and I agreed to remove the trailer, remove everything that is on there which we valued at about 6 to \$8,000 and I have an appraisal on that and then we came out with \$24,000 purchase price. So at this point, to save everybody a lot of trouble if these people want to pay him \$30,000 for the lot, I'll walk out of there right now.

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MR. FENWICK: Who did you purchase the property from?

MR. SARINSKY: I purchased it from Mrs. Tracy, passed away and it was Mrs. Tracy's sister was left the property in a will, Mrs. Tracy's sister, which is Mrs. Sarinsky so I purchased the property from Mrs. Tracy's heir.

MR. LUCIA: What are you saying the present market value of the property is as it sits with a trailer on it zoned NC?

MR. GUERRA: \$30,000 clean, everything out of there.

MR. LUCIA: As it sits right now as you look at the property?

MR. GUERRA: \$24,000.

MR. LUCIA: Zoned NC usable of right only for NC purposes, if any.

MR. GUERRA: Yes.

MR. LUCIA: Should this board grant you a variance, would that change your opinion of the value the property?

MR. GUERRA: Of what it is worth, no because it's a very small lot, the most I can put there is a 2 bedroom house or else it wouldn't make any sense, I have to take the garage down probably because I changed the plans so that it would accomodate you people more. I have to take the trailer out of there, that alone is a hard \$5,000 because you have to, it's a garage, there's no salvage on it, no steel or anything like that, it's not that kind of material and there's a lot of other stuff on the property, the well needs to be repaired, so by the time you start putting a house on there, it's going to be well over \$30,000. That is about what it is worth, I bought better lots than that for \$30,000.

MR. LUCIA: And with the trailer still on there you're saying even with a use variance, it's still worth

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\$24,000?

MR. GUERRA: The way it is now, it's worth \$24,000 the way it is.

MR. LUCIA: Can the property be sold for \$24,000 today?

MR. GUERRA: I'm willing to buy it for \$24,000.

MR. LUCIA: Other than you?

MR. GUERRA: That is better than appraisal, I'm willing, I'm a willing buyer.

MR. LUCIA: Obviously you have an interest in the property.

MR. GUERRA: I want to build my house there.

MR. LUCIA: Other than you, is the property worth \$24,000 to a purchaser today?

MR. GUERRA: Somebody who's never built a house maybe not, maybe so, I feel I know the market in the area.

MR. LUCIA: If the property could be sold for \$24,000, would the owner realize a reasonable return on it?

MR. GUERRA: I don't see how. I'm a certified public accountant, I wouldn't put my office there, if I could find a piece of property for \$24,000 somewhere where I can build a building, put my office, I would love to but who would show up over there? I'd have to make up maps for a thousand people in the area.

MR. LUCIA: Could the applicant get a reasonable return on the property if used for an NC zone purpose?

MR. GUERRA: I think we have discussed that before, I don't see how. You people are in the know how, do you see it?

MR. LUCIA: I'm just asking you because the economics of it, the dollars and cents really are what the courts

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say the board has a right to investigate so if these are issues you considered, I'm just trying to get it laid out in the record.

MR. FENWICK: Any other comments from the members of the audience?

MRS. LOEVEN: Is it normal to let a house be built with just ten foot right-of-way? My husband built most houses in that area and I never remember him getting, having to get permits because there was always a decent frontage but with the ten foot frontage.

MR. FENWICK: I think the problem was somebody created this lot that is what's happened over the years. Several years ago, somebody created this lot and it's sold off or gone through hands that is what we're looking at right now. Let me ask you something, as I'm looking at the back of this property, does that cul-de-sac touch this property?

MR. BABCOCK: No.

MR. LUCIA: Just to return Mrs. Loeven for the moment that is the reason that the applicant is here, that is why we have zoning boards of appeals. This lot only has ten feet of street frontage and needs 60 so he's here looking for a variance and apparently the lot was created with these dimensions prior to zoning in the Town of New Windsor. So he needs to come in and look for a variance based on that. Are you opposed to this applicant?

MRS. LOEVEN: Well, I would rather see it just a lot because we do have property around there but I certainly, the trailer, the occupants of the trailer were a problem with our neighborhood so I hope that we won't get anything like that again.

MR. LUCIA: So you're opposed to the application?

MRS. LOEVEN: If it was a decent home built there that would be one thing.

MR. GUERRA: We have a picture of the home that is

going there.

MR. FENWICK: We have a picture of the proposed home and how it lays out on the lot, if you'd like to see that.

MR. LUCIA: Mrs. Gladstone, I don't think I asked you, are you opposed to the granting of the variance as requested tonight?

MS. GLADSTONE: Yes.

MR. FENWICK: If no more comments from the audience, I'm bring it back to the members of the board and informed that we're still under County referral for use variance.

MR. LUCIA: Under General Municipal Law 239M, use variances still have to be referred to the Orange County Planning Department. This was referred on December first of this year. We have not received any response from them and therefore the board does not have jurisdiction to vote. I'd have to allow 30 days to elapse before we can vote on it or if they respond prior to that, we can vote. In this case, we don't so the public hearing will have to be adjourned until January 11 of '93. If there's any other economic data the board members want he certainly has time to go out and obtain it and give it to us at that point. Public hearing is open for all purposes, any neighbors who want to speak are welcome to return.

MS. GLADSTONE: Will we be notified again?

MR. LUCIA: No, I presume the board will adopt the motion before they close this tonight to adjourn this to January 11 of '93 so you can consider that a definite date. Mrs. Loeven, have you had an opportunity to look at that sketch?

MR. LOEVEN: Yes, it's adjacent to the Gladstones' property and I would hope that what would be there would be good for them. And I live right nearby, I just hope that we won't change the nature of our neighborhood, they are nice homes built there in that

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area, my husband built most of them, Weather Oak Hill and all that area and I feel I would hate to see something that wasn't good for the neighborhood.

MR. LUCIA: From what you can tell in looking at those plans, would that change the character of the neighborhood if that house were constructed? L.

MRS. LOEVEN: The only thing I would worry about would be the front just having a ten foot right-of-way to get in and out of that property. It doesn't seem to me as if that is quite sufficient frontage where they can get into the property.

MR. LUCIA: Mr. Sarinsky, had you investigated purchasing the property from either of the neighboring owners?

MR. SARINSKY: No.

MR. LUCIA: The only thing we can do tonight since this will not go to the Planning Board for site plan approval, we should entertain a motion for Zoning Board of Appeals to declare itself lead agency for SEQRA purposes in regard to review of the applicant's request for use variance. We can adopt that motion or we cannot act upon the actual SEQRA determination until we're able to vote on it so I think that motion would be in order tonight.

MR. TANNER: So moved.

MR. TORLEY: Second it.

ROLL CALL

MR. TORLEY	AYE
MR. TANNER	AYE
MR. FENWICK	AYE

MR. BABCOCK: When was the Orange County referral done?

MR. LUCIA: December first.

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MR. BABCOCK: So January 11.

MR. LUCIA: 30 days will have expired.

MR. FENWICK: In any event, it's probably to the benefit to the neighborhood that lot was not created by the applicant. Benefit to the Town and assessed property evaluation there would be a house there instead of a lawn or a lot which would not have a structure on it. As far as ten foot wide that is probably the width of most driveways, most vehicles are not over eight foot wide, place is an absolute dump as I look at it right now. If everything were told by the applicant or applicants let's say I understand you are in contract to buy?

MR. GUERRA: I am in contract to buy subject to a building permit.

MR. FENWICK: Looks like if in fact the applicant, what we have here is a builder, if he doesn't take care of it, he's certainly not going to get a fair return for the amount of money he is going to sink into a lot of building materials for the property. I don't see it ever, you can be NC zoned use with a ten foot wide driveway which in fact doesn't need any street frontage at all so somebody could put the Hide-away Bar up there and I don't think that would be beneficial to the neighbors either.

MR. TANNER: That is my concern, it's an NC piece of property, you know someone can come in and put some type of business in there.

MR. FENWICK: Be hard pressed for the Town to stop them from putting in a parking lot up there or whatever so that is my feelings on the record. Right now, I'm going to ask for a motion to adjourn the public hearing and have to be reopened again at the next meeting.

MR. TORLEY: I make that notion.

MR. TANNER: I'll second it.

ROLL CALL

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MR. TORLEY AYE
MR. TANNER AYE
MR. FENWICK AYE

MR. FENWICK: Our hands are tied with the County thing.

MR. SARINSKY: But you'll either hear from the County or not if you don't hear from the County, it's your decision to make.

MR. LUCIA: That is correct.

MR. SARINSKY: If the county is unhappy with it, we'll know about that?

MR. LUCIA: Even if the County is unhappy, that does not preclude the board from approving it. We need a majority vote plus one to approve it.

MR. SARINSKY: So we should have waited another two weeks.

MR. LUCIA: No, you need to put it on the record. Do show up in two weeks if you get any further opposition or questions.

MR. BABCOCK: Once the agendas are being set up, we don't know if the County is going to get back to us that day, the next day, we're not sure.

MR. FENWICK: Our experience with the County they don't even know where New Windsor is. They generally don't have to worry about anything. We went from getting form letter which meant nothing to getting positive card which meant less to them telling us we're not going to bother with you at all anymore. I guess postage is getting tougher out at the County.

Date11/26/92....., 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553TO Frances Roth 389 Moores Hill Rd DR.
New Windsor, NY 12553

DATE	CLAIMED	ALLOWED
11/9/92	75 00	
Zoning Board		
Misc - 2		
Carlaugh - 6 - *27.00		
Sarinsky - 10 - 45.00		
Bittles - 4 - 18.00		
Slifstein - 13 - 56.50		
Aquina - 11 - 49.50		
Bairra - 8 - *36.00		
Freeman - 5 22.50		
59 pgs	265 50	
APPROVED:	399 50	
Chairman		

SARINSKY, DAVID

MR. FENWICK: Request for (1) use variance and (2) 5,580 s. f. lot area (3) 12 ft. front yard, (4) 20 ft. rear yard, (5) 50 ft. road frontage in order to construct single-family residential dwelling on the north side of Brown's Drive in an NC zone.

Bernadette Gillespie, David Sarinsky and Mr. A. Guerra appeared before the board on this proposal.

MS. GILLESPIE: There's a mobile home that is in considerable bad repair. We'd like to replace it with single family home. There's some copies of those pictures.

MR. FENWICK: You're being cited on the front yard because it's, because it's only a flag lot?

MS. GILLESPIE: Right.

MR. FENWICK: Do you have water and sewer available out there?

MR. SARINSKY: Sewer available on Brown's Road, they would come down the driveway, there's plenty of pitch there to affect the natural flow.

MR. FENWICK: So, there's available sewer. Is there water?

MR. GUERRA: There is a well on the property somebody has resided in that mobile home, not in the last year or so but there's been residents there.

MR. TORLEY: No one has lived there for a year?

MR. SARINSKY: Two or three years, two years.

MR. TORLEY: Where is Brown's Road? I don't remember where is Brown's Drive?

MS. GILLESPIE: Off Little Britain Road behind where Perry Sign is.

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MR. GUERRA: There's a picture of Perry's Sign building in the back there so you can see exactly where it is.

MR. FENWICK: The road is actually owned as a piece of property, it's not a right-of-way.

MS. GILLESPIE: Yes.

MR. FENWICK: Has this piece of property ever been in the same ownership as any of the lots surrounding it? You didn't subdivide that out?

MR. SARINSKY: No, no.

MR. LUCIC: Do you know how long this mobile home has been there?

MR. SARINSKY: Since 1960.

MR. LUCIA: And it's been occupied as recently as how long ago?

MR. SARINSKY: Two years ago.

MR. FENWICK: Are you in contract to have a contract pending?

MR. GUERRA: I'm the contract buyer subject to getting a permit.

MR. FENWICK: So you have no plans on putting another mobile home there?

MR. GUERRA: No.

MRS. BARNHART: May I keep these for the file?

MS. GILLESPIE: Yes.

MR. LUCIA: The reason for the chairman's question and my question about how long it's been there you set a very high standard for yourself in applying for both area variances which are quite substantial as well as a use variance. There's two entirely different hurdles

you have to clear and they are difficult. The thrust of the question is to determine whether or not there's a possibility that rather than constructing a substantially larger home as you are proposing, that you might be able to reconstruct the mobile home and possibly expand it up to 30 percent provided in certain sections of the ordinance that you might have a right to do without ever applying for any variances. And it obviously is a far cheaper and less burdensome task for you although you wind up with a piece of property that is worth less of what this is worth if the variance is granted. But it's avenue you might want to explore because it's a much cheaper and easier way to go. I'm not passing on whether or not you'd qualify for that since you tell me that the house has not been lived in for two years but it's something you might want to investigate because it's obviously far cheaper.

MR. GUERRA: When I filled out that schematic on the back of the plot plan, there's another way I can put the house which would eliminate I think all the variances except two, the ten foot to the 60 foot, obviously there's nothing we can do about that but I can turn the house the other way, eliminate the garage that is existing but I could live with that so there would be no front yard variance, there would only be a backyard variance and the two side variances. There would be none for that.

MR. TORLEY: Still need the area variance.

MR. GUERRA: I don't know if I have that.

MS. GILLESPIE: Yes, 5,500 square feet short.

MR. LUCIA: The most significant one is the use variance because you're still in NC zone, that is the highest hurdle you have to clear. What you're proposing is not what's permitted in the zone.

MR. FENWICK: Is there a financial reason why you would set the house the way you're showing?

MR. GUERRA: The way in my plan, let's say I had Plan A and Plan B, in Plan A, I would be able to keep the garage that is there now. In addition to building the

house that I, that we've sketched.

MR. FENWICK: Basically, the house would be worth more with a garage?

MR. GUERRA: I imagine so, it would be an extra garage for pick-up truck and stuff like that.

MR. FENWICK: Now when you say garage, are you talking about the one that is existing there now or one that would be part of the--

MR. GUERRA: The one that exists there now, the plans for the house will be with a two car garage attached this will be a one car detached garage.

MR. FENWICK: One of the things that we look to have the applicant do is to cut the severity of the variance down as much as possible. I'm sure the board's going to take a look at that, okay.

MR. GUERRA: In the application, I did plot down the house both ways so Bernadette submitted to you the one that would be most desirable to me but I could.

MS. GILLESPIE: That would be Plan B the first one which requires the majority of the variances by placing the house this way which allows it to go this way, this way the only variance we would need is--

MR. GUERRA: Is this back here. We have plenty of movement either way and this would be the only one other than the area.

MR. TORLEY: I'm afraid we're putting the cart before the horse. The variance which still is the critical one is the use variance which is a much higher hurdle.

MS. GILLESPIE: And the neighborhood commercial houses all along that area are residential houses, then Perry Sign.

MR. TORLEY: But it's still zoned neighborhood commercial.

MR. LUCIA: That was the reason I suggested springing off the existing mobile home as shabby as it may be it puts you, you may not be able to do it. But since it's a very much less expensive way to go, it might be an avenue you want to explore before you go through the whole variance procedure. That is up to you. If you chose to apply for the variances on either schematic, that is your right. If you prefer the one that requires more variances, and you want to submit that, you have every right to do so. If you think you have a better chance at getting by with one of the required few variances and you want to amend it, you have a right to do. The board is giving you their feeling of what it looks like. You have a right to go for whatever it is that you want to get.

MR. GUERRA: Is the problem the commercial zone?

MR. LUCIA: That is the highest hurdle you have because you're looking for a use variance.

MR. GUERRA: Going from commercial to residential isn't that?

MR. LUCIA: Yes, those residences probably good number of them have been there since long before there was zoning in the Town so you know you're now looking for new construction in an area that is zoned N C.

MR. GUERRA: I have been around long enough to know that most people don't want mobile homes. They'd prefer a house. We thought we would try it. I'm not particularly fond of living in a mobile home. I have nothing against them.

MR. LUCIA: You have to discuss it with the building inspector for the division line between mobile homes and site-built and pre-fabs is blurring all the time. You might be able to put up something of about the same size plus another 30 percent in area but I can't pass on that. It might get you around the variance procedure.

MR. TORLEY: Sir, how long had the mobile home been vacant.

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MR. SARINSKY: About two years.

MS. GILLESPIE: I think we've pretty much decided that.

MR. LUCIA: If that date is accurate.

MR. SARINSKY: I have owned it for four or five.

MR. KONKOL: What is on lot 6, 7 and 9, what are there now, residences?

MS. GILLESPIE: Perry Sign is here, the other ones are all residences.

MR. GUERRA: It would really have no value you for commercial use. It's completely hidden. You couldn't tell that anybody or anything is back there because the existing driveway has full growth on both sides with firs and pine trees, you know, year round trees so you couldn't even see what is back there.

MR. LUCIA: That certainly would be part of the presentation. One of the elements of your use variance test is certain economic factors and the ability to use it for any purpose permitted in the NC zone certainly is a factor.

MS. GILLESPIE: They are never going to get anything on that size lot with ten foot of road frontage in a neighbor commercial area. I don't think you're going to get objections from the adjoining property owners that would rather have a small 2 bedroom house than a neighborhood commercial establishment there.

MR. FENWICK: I personally agree with you that is what I'd rather see myself. This looks like a well put together plan. My opinion is I prefer let's say Plan B where it looks like your house is running with the cut of the property. It cuts down a lot of the variances. which is something that we have to seek or you have to seek with us. I don't know, I'll leave it up to the pleasure of the board.

MR. GUERRA: Would we have to resubmit this whole thing

from the beginning? Would we have to start from zero again?

MR. FENWICK: No.

MR. GUERRA: If I switched it?

MR. FENWICK: What you're going to have to do is clarify the whole thing with the building inspector before you go to public hearing as long as we're aware of what you're talking about here, they can amend the building permit or the denial.

MR. LUCIA: Notes of Denial.

MR. FENWICK: And I, we could proceed on as long as you're not going to show us something new but if this is basically the plan here, I will.

MR. GUERRA: I can live with that one, yeah.

MR. KONKOL: I concur with you. It's not fit for commercial and cleaning it up into a nice residence back there fits better than what's there now. ✓

MR. FENWICK: As the attorney mentioned, there are hurdles that have to be met. They have to be met for the record and also for us to vote on it. And bring about a decision with reason. I believe that given all the questions that you have to answer, I don't think you're going to have too much trouble answering them when we set you up, when and if we set you up for a public hearing. Again, we'll turn it over to the attorney and you might want to take notes, probably be a good idea so you can answer all the questions when it comes to the public hearing.

MR. LUCIA: First thing for you to get back with the building inspector's office, have him revise the Notice of Denial because there's, this is a board of appeals. We can only act on something that was denied. If you are changing the plan--

MR. GUERRA: I'll change the plan on the advice of the board.

MR. LUCIA: The building inspector needs to deny this plan also in order for you to get here legally.

MR. GUERRA: I understand.

MR. LUCIA: This requires county referral, that is noted for purposes, that is for our purpose, needs to go to the County Department of Planning for their review. You have two separate variances you're applying for. First is a use variance, that is the one that is more difficult. The board in determining the use variance, must decide whether or not you suffer unnecessary hardship. There are three factors that are involved which you must speak to in order for this board to make a finding of unnecessary hardship. First whether under the applicable zoning regulations the applicant is deprived of all economic use or benefit from the property in question. That would be for any use permitted in the NC zone. Second, whether the alleged hardship relating to the property in question is unique, you can I guess show that by showing what else is in the neighborhood and the types of uses whether this property looks like it's unique. Third, whether requested variance if granted will not alter the character of the neighborhood and you also must show though it's not attested that the hardship was not self-created, you didn't cause this problem yourself. That is the testimony for the use variance. Second is the area variances. The standard is the same on all of them whether you're applying for one or several use variances. Depending how you revise your application on that one, the board has to engage in a balancing test. They have to weigh the benefit to you if the variance is granted as against the detriment to the health, safety and welfare of the community by changing the zoning requirements. There are five factors you must effect so on that one first whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by the granting of the variance. Second, whether the benefits sought by the applicant can be achieved by some other method feasible for you to pursue other than the variance. Third, whether requested area variance is substantial. In

this case, I guess couple of them are but if you took the property in that shape then with that area, there isn't a whole lot you can do to it. You can show there's no other lands for neighbors to buy or add more frontage. Fourth, whether proposed variance will have and adverse effect or impact on physical or environmental conditions in the neighborhood or district. Fifth, whether the difficulty was self-created. When you come back, I'll need to see a copy of your deed, title policy, circumstances from when you bought it. Are we satisfied with the photographs that we have?

MR. FENWICK: Yes.

MR. LUCIA: Photographs are fine. Pat will give you an application. There's instructions on it. Follow those, any questions, give her a call. When you submit the application, we need 2 checks, both payable to the Town of New Windsor, one for \$50 application fee and \$500 deposit against Town consultant review fees and various disbursements that the board has in handling both your use and area variance applications.

MR. GUERRA: Can I ask a question, please? I wonder if I can get a copy of those five requisites that you have there?

MR. LUCIA: Sure.

MR. GUERRA: Before we leave?

MR. LUCIA: Probably not.

MR. GUERRA: Where can I get them?

MR. LUCIA: Give Pat a call.

MR. GUERRA: Okay.

MR. FENWICK: Motion to set him up for a public hearing based on what we're going to call Plan B?

MR. TANNER: So moved.

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MR. KONKOL: I'll second it.

ROLL CALL

MR. TORLEY	AYE
MR. KONKOL	AYE
MR. TANNER	AYE
MR. FENWICK	AYE

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 42

Request of DAVID SARINSKY

for a VARIANCE of

the regulations of the Zoning Local Law to

permit construction of a single-family residential dwelling in an NC zone with insufficient rear yard and street frontage;

being a VARIANCE of

Section 48-9 - Table of Use/Bulk Regs.-Col. A and Section 48-12 - Table of Use/Bulk Regs.-Cols. G, H. for property situated as follows:

Off Old Little Britain Road, New Windsor, N. Y., known and designated as tax map Section 34-Blk. 2-Lot 8.

SAID HEARING will take place on the 28th day of December, 1992, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at 7:30 o'clock P. M.

RICHARD FENWICK
Chairman

14-164 (2/87)—Text 12
 PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
 For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR DAVID SARTNSKY	2. PROJECT NAME -
3. PROJECT LOCATION: Municipality TOWN OF NEW WINDSOR County ORANGE	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Off Old Little Britain Road, Rt. 207, New Windsor, N. Y. - see attached tax map	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Applicant proposes to remove old mobile home and construct a single-family residential dwelling on large lot.	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly Use and area variances are presently being sought by applicant.	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: The area is zoned NC but there are residential dwellings surrounding applicant's parcel.	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval n/a	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No n/a	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE.	
Applicant/sponsor name: X David Sarty	Date: 12/01/92
Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

DESCRIPTION OF EXISTING VISUAL ENVIRONMENT

4. From each item checked in question 1, check those which generally describe the surrounding environment.

	Within	
	*1/4 mile	*1 mile
Essentially undeveloped	<input type="checkbox"/>	<input type="checkbox"/>
Forested	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>
Suburban residential	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Industrial	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>
Urban	<input type="checkbox"/>	<input type="checkbox"/>
River, Lake, Pond	<input type="checkbox"/>	<input type="checkbox"/>
Cliffs, Overlooks	<input type="checkbox"/>	<input type="checkbox"/>
Designated Open Space	<input type="checkbox"/>	<input type="checkbox"/>
Flat	<input type="checkbox"/>	<input type="checkbox"/>
Hilly	<input type="checkbox"/>	<input type="checkbox"/>
Mountainous	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

NOTE: add attachments as needed

5. Are there visually similar projects within:

- * 1/2 mile Yes No
- * 1 miles Yes No
- * 2 miles Yes No
- * 3 miles Yes No

* Distance from project site are provided for assistance. Substitute other distances as appropriate.

EXPOSURE

6. The annual number of viewers likely to observe the proposed project is n/a.

NOTE: When user data is unavailable or unknown, use best estimate.

CONTEXT

7. The situation or activity in which the viewers are engaged while viewing the proposed action is

Activity	FREQUENCY			
	Daily	Weekly	Holidays/ Weekends	Seasonally
Travel to and from work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Involved in recreational activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Routine travel by residents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At a residence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At worksite	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other <u>None of the above apply</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: <u>NO</u></p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: <u>NO</u></p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: <u>NO</u></p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly. <u>NO</u></p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly. <u>NO</u></p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly. <u>NO</u></p>
<p>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly</p>

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<p><input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.</p> <p><input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:</p>	
<p>_____ Name of Lead Agency</p>	
<p>_____ Print or Type Name of Responsible Officer in Lead Agency</p>	<p>_____ Title of Responsible Officer</p>
<p>_____ Signature of Responsible Officer in Lead Agency</p>	<p>_____ Signature of Preparer (if different from responsible officer)</p>
<p>_____ Date</p>	

Rec'd:
ZBA 1/6/93
(PAB)

cc: ZBA
Members
Bernadette
Re/Max.

28 Brown's Drive
New Windsor, N.Y. 12553
January 4, 1993

Mr. Richard Fenwick, Chairman
Zoning Board of Appeals
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

Dear Mr. Fenwick:

We feel we must explain our opposition to the variance, requested by Mr. David Sarinsky, on the property situated "off Old Little Britain Road, New Windsor, N. Y., known and designated as tax map Section 34-Blk. 2-Lot 8."

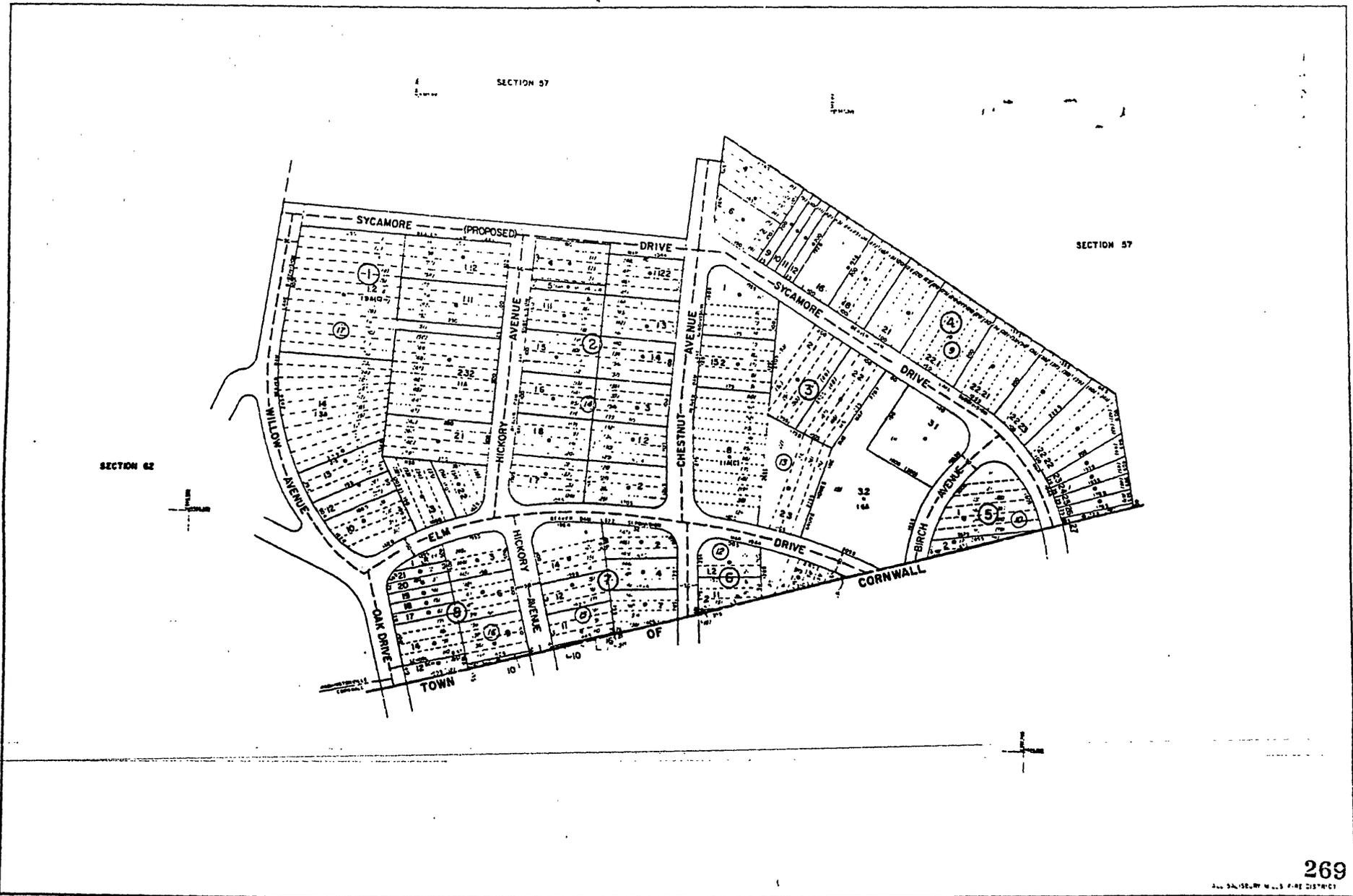
Since Mr. Sarinsky purchased this property we have had to deal with either an abusive tenant or abandoned property. When we tried to rectify the situation by offering to purchase the property we were quoted, what we considered, an outlandish sum of money. We trust that you can understand our feeling of helplessness and frustration.

However, our distrust of Mr. Sarinsky's motives should not extend to the Zoning Board of Appeals. Therefore we will remove our opposition to the site variance, "to permit construction of a single-family residential dwelling in an NC zone with insufficient rear and street frontage", on the condition that it will indeed be approved as "residential property" as requested and which was discussed during the hearing of December 28, 1992.

Sincerely,

Georgene Gladstone
Donald W. Gladstone

Georgene M. Gladstone
Donald W. Gladstone



269

Prepared by
AERO SERVICE
 C. C. P. O. W. A. T. C. I. C.
 110 N. 10th St. New York, N. Y.
FOR TAX PURPOSES ONLY
 NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE OF CONTAINE	PAVED PLANS AND	THE MAP BOUND	SPACED PLATS BOUND
CITY TOWN OR VILLAGE	RESIDENT LOT	THE MAP BOUND	SPACED PLATS BOUND
RIDGE & SECTION LINE	WATER LINE	WATER LINE	WATER LINE
INDIVIDUAL STREET AND	STREET	STREET	STREET
PROPERTY LINE	PROPERTY LINE	PROPERTY LINE	PROPERTY LINE

ORANGE COUNTY~NEW YORK
 Photo No. 7-244 549 Date of Map 3-1-81
 Date of Photo 3-1-81 Date of Revision 3-1-81
 Scale 1" = 100'

TOWN OF NEW WINDSOR
 Section No. 63

1/11/93

Public Hearing: Saunsky, David

Name:

D.W. Gladstone

Address:

28 Brown's Dr

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: NOVEMBER 25, 1992

APPLICANT: DAVID SARINSKY
298 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: NOVEMBER 20, 1992

FOR (BUILDING PERMIT): FOR ONE FAMILY DWELLING

LOCATED AT: ROUTE 207/OLD LITTLE BRITAIN ROAD

ZONE: NC

DESCRIPTION OF EXISTING SITE: SECTION 34 BLOCK 2 LOT 8

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. INADEQUATE - ROAD FRONT VARIANCE
2. INADEQUATE - REAR YARD SET BACK
3. *Use Variance*
- 4.
- 5.


BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: NC USE		
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD		
REQ'D TOTAL SIDE YD		
REQ'D REAR YD.	40'	20'

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

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298 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

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 BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: NC USE		
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD		
REQ'D TOTAL SIDE YD		
REQ'D REAR YD.	40'	20'
REQ'D FRONTAGE	60'	50'
MAX. BLDG. HT.		
FLOOR AREA RATIO		
MIN. LIVABLE AREA		
DEV. COVERAGE		

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises DAVID SARMINSKY
Address 245 WINDSOR AVE NEW WINDSOR NY Phone 914-561-3894
Name of Architect FRANK CARLINO
Address RT 32 CARANVILLE NY Phone _____
Name of Contractor A C F M ROOFTY LTD
Address PO BOX 4728 NEW WINDSOR NY Phone 561-1774
State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER
If applicant is a corporation, signature of duly authorized officer.

David Sarminsky

(Name and title of corporate officer)

1. On what street is property located? On the North side of Browns Lane
and 1000 feet from the intersection of (N.S.E. or W.) Browns Dr + Mt Airy Rd

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
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Name of Owner of Premises DAVID SARMINSKY
 Address 298 WINDSOR AVE NEW WINDSOR NY Phone 514-561-3854
 Name of Architect FRANK CARLINO
 Address RT 32 CARANVILLE NY Phone _____
 Name of Contractor A C F M ROOFTY LTD
 Address PO BOX 4708 NEW WINDSOR NY Phone 561-1584
 State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER
 If applicant is a corporation, signature of duly authorized officer.

David Sarminsky
 (Name and title of corporate officer)

1. On what street is property located? On the North side of Browns Drive
 and 1000 feet from the intersection of (N.E. or W.) Browns Dr + Mt Airy Rd
2. Zone or use district in which premises are situated NC Is property a flood zone? Yes..... No. X
3. Tax Map description of property: Section 34 Block 2 Lot 8
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
 a. Existing use and occupancy..... b. Intended use and occupancy.....
5. Nature of work (check which applicable): New Building Addition..... Alteration..... Repair.....
 Removal..... Demolition..... Other.....
6. Size of lot: Front 94 Rear 170 Depth 35 Front Yard 135 Rear Yard 22 Side Yard 22
 Is this a corner lot? no
7. Dimensions of entire new construction: Front 30 Rear 30 Depth 24 Height 15' Number of stories 1
8. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....
 Number of bedrooms 3 Baths 2 Toilets 2
 Heating Plant: Gas..... Oil Electric/Hot Air..... Hot Water
9. If Garage, number of cars 1
 If business, commercial or mixed occupancy, specify nature and extent of each type of use.....

10. Estimated cost \$60,000 Fee _____ (to be paid on this application)
 11. School District NEWBURGH

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
 Approved.....19.....
 Disapproved a/c.....
 Permit No.

Office Of Building Inspector
 Michael L. Babcock
 Town Hall, 555 Union Avenue
 New Windsor, New York 12550
 Telephone 565-8807

Refer -
 Planning Board.....
 Highway.....
 Sewer.....
 Water.....
 Zoning Board of Appeals.....

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

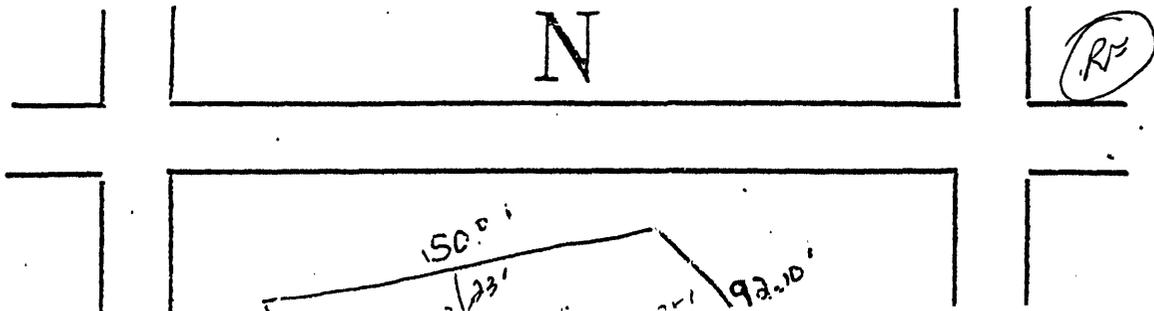
- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

.....
 (Signature of Applicant) *Robert Guern* (Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
 Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Refer -
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals.....

APPLICATION FOR BUILDING PERMIT
Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

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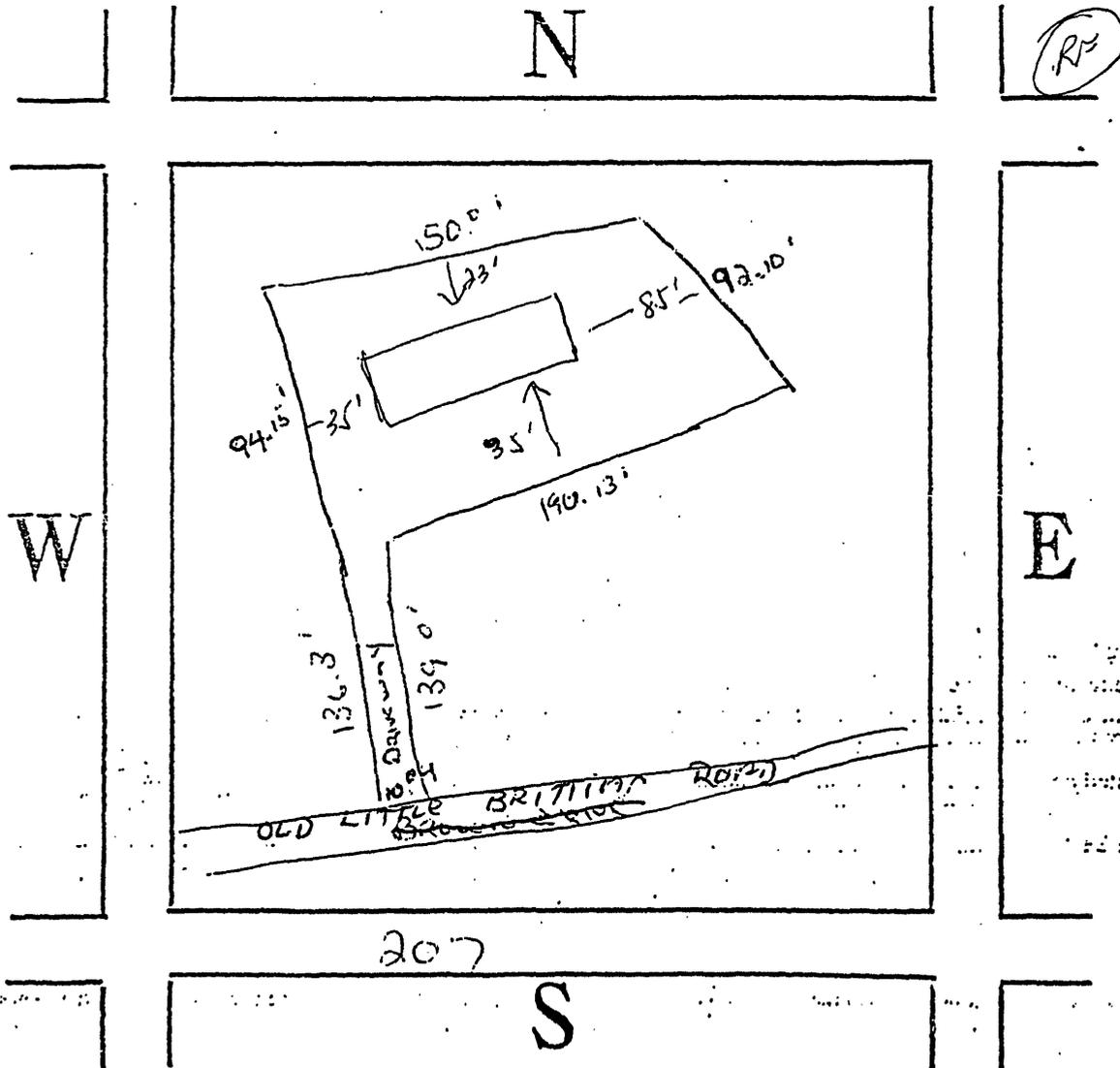
(Signature of Applicant)

Clayton Guern

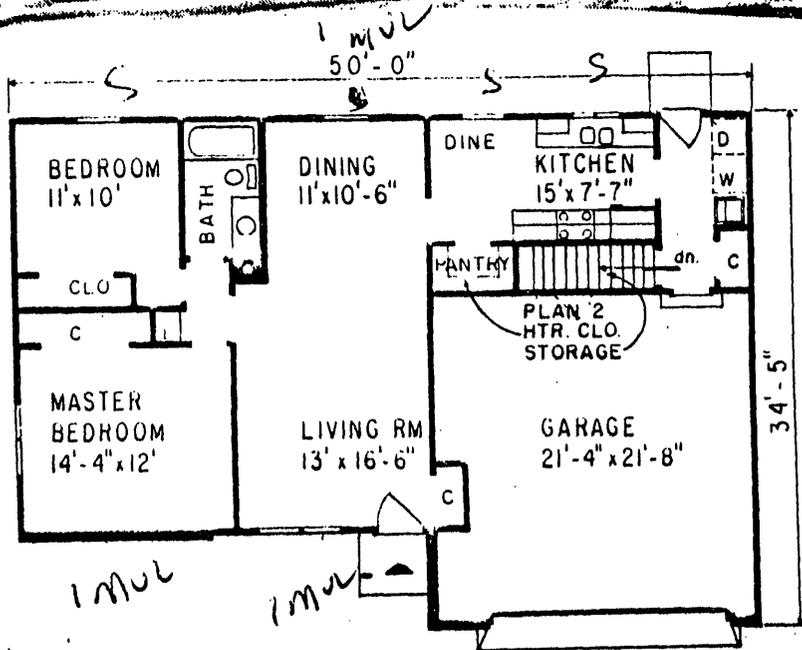
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



PROPOSED HOUSE



ENERGY-SAVING RANCH

PLAN N12L89910 or N12L89910A
(without basement)—This two bedroom ranch has many energy-saving features built into it... upon entering the home, the living room and dining room are directly ahead... an efficient kitchen includes a dinette area, as well as access to the adjacent dining room... note the convenient laundry area... an added bonus is the pantry... master bedroom features a spacious closet... convenient hall bath serves this and the other bedroom... note the two-car garage... this home has a living area of 1,044 square feet.

B.

ORANGE COUNTY DEPARTMENT OF PLANNING
APPLICATION FOR MANDATORY COUNTY REVIEW
OF LOCAL PLANNING ACTION
(Variances, Zone Changes, Special Permits, Subdivisions)

Section A. - To be completed by Local Board having jurisdiction.
To be signed by Local Official.

Local File No. 92-42

1. Municipality TOWN OF NEW WINDSOR Public Hearing Date 12/28/92

City, Town or Village Board Planning Board Zoning Board of Appeals

2. Applicant: NAME DAVID SARINSKY

Address 298 Union Avenue, New Windsor, N. Y. 12553

Attorney, Engineer, Architect A. Guerra (contractor)

3. Location of Site: Off Old Little Britain Road, Rt. 207
(street or highway, plus nearest intersection)

Tax Map Identification: Section 34 Block 2 Lot 8

Present Zoning District NC Size of Parcel _____

4. Type of Review:

Special Permit Use* _____

Variance* Use - Construct single-family residential dwelling.

Area - Rear yard and street frontage

Zone Change* From: _____ To: _____

Zoning Amendment* To Section: _____

Subdivision** Major _____ Minor _____

12/01/92
Date

Christina A. Bankhart, Secy.
Signature and Title
ZBA

*Cite Section of Zoning Regulations where pertinent
**Three (3) copies of map must be submitted if located along County Highway, otherwise, submit two (2) copies of map.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

17

December 11, 1992

Addie Guerra
345 Windsor Hwy.
New Windsor, NY 12553

Re: Tax Map Parcel: 34-2-8
Owner: David Sarinsky

Dear Mr. Guerra:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00. Please remit the balance of \$10.00 to the Town Clerk's office.

Sincerely,

Leslie Cook (cc)

Leslie Cook
SOLE ASSESSOR

LC/cad
Attachments
cc: Pat Barnhart

Orr, Howard & Terry
595 Little Britain Rd.
New Windsor, NY 12553

Christie, Anthony J. & Sandra L.
593 Little Britain Rd.
New Windsor, NY 12553

Ambury, John P. & Frances L.
591 Little Britain Rd.
New Windsor, NY 12553

Hogan, Daniel & Anne Marie
342 Shelly Rd.
New Windsor, NY 12553

Moore's Hill Estates Inc.
c/o Jacob Deutsch
1 Kennedy Court
Monroe, NY 10950

Rotwein, Perry & Franke *34-2-7.*
583 Little Britain Rd.
New Windsor, NY 12553

Gladstone, Donald W. & Georgene M.
28 Browns Dr.
New Windsor, NY 12553

Loeven, Robert T. & Anna C.
26 Browns Dr.
New Windsor, NY 12553

La Porta, Joseph
24 Browns Dr.
New Windsor, NY 12553

Kutsche, Erhart F. & Marie
Apt. 501
88-11 63rd Dr.
Rego Park, NY 11374

Mehmed, Paul M. & Cecelia M.
5 Weather Oak Hill Rd.
New Windsor, NY 12553

Bauco, Lino & John Paladino & Frank Bauco
c/o J & L Realty Associates
550 Franklin Ave.
Mt. Vernon, NY 10550

Kent, George F. Jr. & Patricia A.
11 Weather Oak Hill Rd.
New Windsor, NY 12553

Rowell, Raymond A.
PO Box 4976
Woodland Park, CO 80866

Dantas, Allen & Kitty
590 Little Britain Rd.
New Windsor, NY 12553

Newburgh Society for the Prevention
of Cruelty to Animals
564 Little Britain Rd.
New Windsor, NY 12553

Peak Technical Corp.
594 Little Britain Rd.
New Windsor, NY 12553

Rec'd: ZBA
12/23/92 (PAB)

cc: ZBA

28 Brown's Drive
New Windsor, N.Y. 12553
19 December 1992

Mr. Richard Fenwick, Chairman
Zoning Board of Appeals
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

Dear Mr. Fenwick:

Re: Property on Brown's Drive (formerly Off Old Little Britain Rd, New Windsor, N.Y. known and designated as tax map Section 34-blk, 2-lot 8) owned by David Sarinsky and previously owned by Charles and Elizabeth Tracy and Howard Gladstone.

When we put an addition on our house some years ago, we were carefully scrutinized by the Town of New Windsor building inspectors, and rightly so, for the sake of our neighborhood. We ask that the same scrutiny be exercised in the instance of Mr. Sarinsky's request for a variance on this property.

1. How will the mobile home be removed? There is only a ten (10) foot right-of-way which is enclosed by trees and fences on both sides.

2. How will large vehicles (needed for the erection of a house) such as backhoes, cement truck and so forth come and go?

3. How far from existing property lines can this house be legally constructed?

4. Mrs. Tracy had serious sewage problems after the sewer lines were installed. Will that problem affect our sewer lines?

5. Is it possible to construct a house in the Town of New Windsor on a lot which is approximately three tenths (3/10) of an acre and with "insufficient rear yard and street frontage?"

It should be noted that the property has been abandoned for more than an year which has caused much concern. It is littered with cans and garbage. A wrecked auto is in front of the garage with a door on the ground and the trunk open. The door to the mobile home is open making it dangerous for a variety of reasons. On several occasions we heard loud noises and upon investigating found youngsters throwing things at the trailer and car and we asked them to leave.

We asked Mr. Sarinsky if we might purchase the property in order to help keep our neighborhood decent. He responded that he was offered \$40,000 for the property but chose not to sell so that an employee would have a place to live. He then quoted us a price of \$38,000 which seemed somewhat out of line considering that the

size of the lot was approximately 3/10 of an acre, the condition of the property and the amount he paid for the lot.

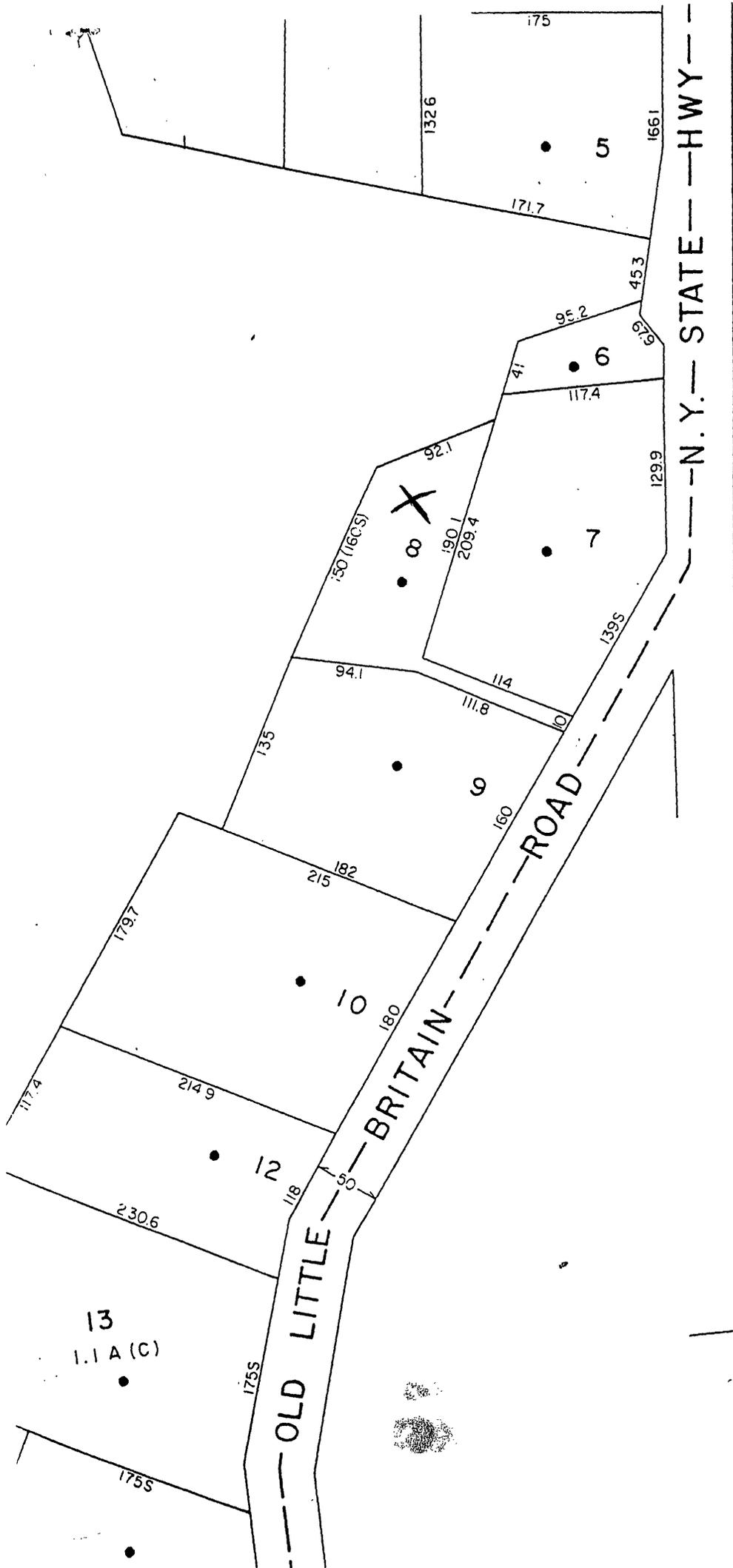
Mr. Robert Loeven, a builder of many New Windsor homes and familiar with the building codes, expressed surprise that such a request might be considered on this lot. Although he is ill his wife, Anna, will accompany us, on his behalf, to the hearing on Monday, December, 28, 1992.

Enclosed you will find photos of the mobile home, the car and the property. We would like to ask that the Zoning Board of Appeals members come to the property and see for themselves.

Sincerely,

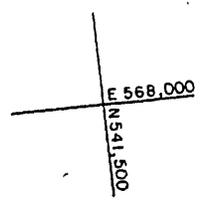
Handwritten signatures of Georgene M. Gladstone and Donald W. Gladstone. The signature of Georgene M. Gladstone is written in cursive and is positioned above the signature of Donald W. Gladstone, which is also in cursive.

Georgene M. Gladstone
Donald W. Gladstone



SECTION

34-2.



THIS INDENTURE, made the 12th day of April , nineteen hundred and Eighty-eight
BETWEEN JEAN M. ZALUNSKI, residing at 12 Wilcox Avenue, Middletown,
Orange County, New York,

34
2
8

party of the first part, and DAVID SARINSKY, residing at 298 Union Avenue, Newburgh,
Orange County, New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of -----
-----ONE & OTHER-----dollars,

lawful money of the United States, paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the Town of New Windsor, Orange County and State of New
York, and more particularly bounded and described as follows:

BEGINNING at a point marked by an iron pin on the centerline of Old
Little Britain Road South 52° - 02' East, 139.60' from the southerly
line of the NYS Route 207 Right-Of-Way, thence South 43° - 23' East,
10.04' along the centerline of Old Little Britain Road, to a point
marked by an iron pin, thence South 39° - 11' West, 136.83', thru
the lands of Gladstone, to a point marked by an iron pipe, thence
South 24° - 17' West, 94.15' to a point marked by an iron pin, thence
North 47° - 39' West, 150.0' to a point marked by an iron pipe on
the easterly side of an existing driveway, thence along the driveway,
North 4° - 59' West, 92.10' to a point marked by an existing wood
fence post, thence South 55° - 49' East, 190.13' along the southerly
line of lands of Brown, to a point marked by a concrete monument,
thence along the easterly line of said lands of Brown, North 39° -
11' East, 139.0' to the point and place of beginning.

SUBJECT to grants of record to public utilities.

SUBJECT to such state of facts as an accurate survey and personal
inspection of said premises may reveal and subject to building and
zoning ordinances and regulations of the Town of New Windsor.

party of the first part, and DAVID SARINSKY, residing at 298 Union Avenue, Newburgh,
Orange County, New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of -----

-----ONE & OTHER-----dollars,

lawful money of the United States, paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County and State of New York, and more particularly bounded and described as follows:

BEGINNING at a point marked by an iron pin on the centerline of Old Little Britain Road South 52° - 02' East, 139.60' from the southerly line of the NYS Route 207 Right-Of-Way, thence South 43° - 23' East, 10.04' along the centerline of Old Little Britain Road, to a point marked by an iron pin, thence South 39° - 11' West, 136.83', thru the lands of Gladstone, to a point marked by an iron pipe, thence South 24° - 17' West, 94.15' to a point marked by an iron pin, thence North 47° - 39' West, 150.0' to a point marked by an iron pipe on the easterly side of an existing driveway, thence along the driveway, North 4° - 59' West, 92.10' to a point marked by an existing wood fence post, thence South 55° - 49' East, 190.13' along the southerly line of lands of Brown, to a point marked by a concrete monument, thence along the easterly line of said lands of Brown, North 39° - 11' East, 139.0' to the point and place of beginning.

SUBJECT to grants of record to public utilities.

SUBJECT to such state of facts as an accurate survey and personal inspection of said premises may reveal and subject to building and zoning ordinances and regulations of the Town of New Windsor.

SUBJECT to the rights of the public in and to that portion of the above described premises as is located within the bounds of the public highway.

BEING the same lands and premises described in a deed from Howard Gladstone to Charles A. Tracy and Elizabeth S. Tracy, husband and wife, dated June 17, 1965 and recorded in the Orange County Clerk's Office on June 23, 1965 in Liber 1716 of Deeds at page 1043.

Said Charles A. Tracy died on August 23, 1973, a resident of the County of Orange, New York, leaving Elizabeth S. Tracy as surviving tenant by the entirety.

Said Elizabeth S. Tracy died on September 7, 1987, a resident of the County of Orange, New York, leaving her sister, Jean M. Zalunski, as her sole distributee.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

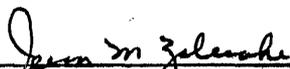
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:



JAMES M. ZALESKI

Successors and assigns of the party of the second part forever.

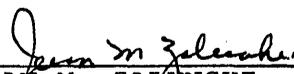
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:



JEAN M. ZALONSKI

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----X
In the Matter of Application for Variance of

David Saminsky,
Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

92-42
-----X

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On Dec. 15, 1992, I compared the 17 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
15th day of December, 1992.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1993